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1 – Paper mill fined over foul air; Georgia-Pacific plant in Arkansas to pay \$600,000, fix flaws, Arkansas Democrat-Gazette, 12/17/18

<https://www.arkansasonline.com/news/2018/dec/17/paper-mill-fined-over-foul-air-20181215/?news-arkansas>

A south Arkansas paper mill must pay \$600,000 in fines and spend \$1.8 million on environmental projects and even more on facility upgrades to reduce air pollutants in a town full of residents complaining about their air quality, according to a consent decree filed Friday. The settlement is a start, but certainly not enough, residents of Crossett said Friday.

2 – Georgia-Pacific settles lawsuit with EPA over Crossett pollution, Magnolia (AR) Reporter, 12/15/18

http://www.magnoliareporter.com/news_and_business/local_business/article_3128fa6a-004c-11e9-b1cc-db5737df2681.html

The Environmental Protection Agency (EPA) on Friday announced a settlement with Georgia-Pacific subsidiaries regarding alleged violations of the Clean Air Act at the company's Crossett complex.

3 – Georgia-Pacific settles EPA Clean Air Act claims, Hydrocarbon Engineering, 12/17/18

<https://www.hydrocarbonengineering.com/clean-fuels/17122018/georgia-pacific-settles-epa-clean-air-act-claims/>

The US Environmental Protection Agency (EPA) announced a settlement with Georgia-Pacific Chemicals LLC and Georgia-Pacific Consumer Operations LLC (Georgia-Pacific) of alleged violations of the Clean Air Act (CAA) set forth in a complaint filed 14 December 2018 with the US District Court for the Western District of Arkansas.

4 – EPA Evaluating Health Concerns Surrounding Bella Vista Dump Stump Fire, KFSM, 12/14/18

<https://5newsonline.com/2018/12/14/epa-evaluating-health-concerns-surrounding-bella-vista-dump-stump-fire/>

The EPA is evaluating a smoldering underground fire at a former dump stump in Bella Vista after state health officials say the air quality surrounding the area is unhealthy for residents.

5 – All options on table to put out underground Bella Vista fire, Arkansas Democrat-Gazette, 12/16/18

<https://www.arkansasonline.com/news/2018/dec/16/agencies-still-stumped-on-dousing-under/>

State and federal officials Friday toured the site on Trafalgar Road where an underground fire has burned for more than four months, but haven't decided how best to extinguish it, one of them said.

6 – Baton Rouge councilwoman says landfill causing cancer, but health experts say evidence lacking, New Orleans Times-Picayune, 12/15/18

https://www.theadvocate.com/baton_rouge/news/environment/article_e61204b0-f7e3-11e8-b290-339a9baca451.html

For more than a year, residents near Baker have fought to shut down the local specialty landfill over concerns about odor, fire and vermin. But the councilwoman representing the area has taken it a step further, suggesting the site is causing cancer — a claim health officials say isn't supported by the facts.

7 – Jefferson Parish landfill blamed in fifth lawsuit by 85 plaintiffs for health issues, New Orleans Times-Picayune, 12/15/18

<https://www.nola.com/crime/2018/12/jefferson-parish-landfill-blamed-in-fifth-lawsuit-by-70-plaintiffs-for-health-issues.html>
Coughing, nausea, burning eyes, dizziness and lethargy are among the ailments that 85 plaintiffs in a new lawsuit blame on toxic releases from the Jefferson Parish landfill. Filed Thursday (Dec. 13), it is the fifth suit seeking damages from the parish government and Jefferson's garbage dump operators for health problems in the past five months.

8 – Advocate for river joins suit against Arkansas farms; group seeks to end environmental assessment exemptions, Arkansas Democrat-Gazette, 12/17/18

<https://www.arkansasonline.com/news/2018/dec/17/advocate-for-river-joins-suit-on-farms-/?news-arkansas>
An Arkansas environmental group is one of eight organizations to sue the federal government over a 2016 decision that exempted certain-sized animal farms from federal loan policies requiring environmental assessments.

9 – WIPP to shutdown for maintenance in January; construction projects ongoing, Santa Fe New Mexican, 12/14/18

http://www.santafenewmexican.com/news/local_news/wipp-to-shutdown-for-maintenance-in-january-construction-projects-ongoing/article_1d163768-4aa7-5ab6-a118-9b93a46c7645.html

The Waste Isolation Pilot Plant will cease operations for almost a month, starting in January. The annual maintenance outage is planned to begin after the holidays, and continue until Jan. 27.

10 – EDITORIAL: Carbon emissions zoom, and the world warms, San Antonio Express-News, 12/14/18

<https://www.mysanantonio.com/opinion/editorials/article/Carbon-emissions-zoom-and-the-world-warms-13467675.php>
Carbon emissions are increasing, Arctic ice is melting, and the world is squandering a small window of opportunity to avert disaster. Major scientific report after major scientific report sound the same alarm. The Earth is warming, creating conditions that will make extreme weather routine.

11 – Fire emerges as an ally in the fight to save Louisiana's marsh, New Orleans Times-Picayune, 12/14/18

<https://www.nola.com/expo/news/erry-2018/12/50bbc09d612507/fire-emerges-as-ally-in-fight.html>
Heath Romero kills the engine on his airboat and climbs to the top of the propeller cage, the highest point in the flat expanse of marsh around this part of South Louisiana. A fire Romero set about a half mile away starts to crackle. Within seconds it sweeps across the marsh and splashes the sky with thick, black smoke.

12 – Oil spill in Plaquemines Parish, 420 gallons lost from damaged line, New Orleans Times-Picayune, 12/14/18

<https://www.nola.com/politics/2018/12/oil-spill-in-plaquemines-parish-420-gallons-lost-from-damaged-line.html>
About 420 gallons of crude oil spilled from a damaged disposal line Friday (Dec. 14) near Garden Island Bay at the foot of Plaquemines Parish, according to the US Coast Guard. It's the second oil spill within a month from equipment owned by the same Texas-based company.

13 – How will south Louisiana spend \$1.2B flood-fighting credit? Levees, diversions, dredging?, Baton Rouge Advocate, 12/16/18

https://www.theadvocate.com/baton_rouge/news/environment/article_55e2e0a4-fa35-11e8-b35e-d3187dd3d7a9.html
Now that the Comite River Diversion Canal has received the \$343 million needed from the federal government to begin construction, all eyes are on a \$1.2 billion pot that will pay for the next generation of south Louisiana flood control.

14 – Manor neighbors concerned with color of tap water, CBS Austin, 12/14/18

<https://cbsaustin.com/news/local/manor-neighbors-concerned-with-color-of-tap-water>
Neighbors in the Bell Farms subdivision in Manor are concerned with their quality of water. Friday morning, Elijah Moore turned on his faucet to brush his teeth and noticed the water was brown.

15 – Deadly Terrorist Threatens the Lone Star State’s Domestic Pig Herd, AgWeb, 12/14/18

<https://www.agweb.com/article/deadly-terrorist-threatens-the-lone-star-states-domestic-pig-herd/>

One of the most deadly enemies in Texas – the wild pig – is sparking fear as threats of African swine fever (ASF) hitting U.S. soil dance across the headlines. And when it comes to the environment, wild pigs take a toll on wildlife, soil, water and plants. The damage to water is a major problem. Wild pigs harbor E.coli and can infect watersheds.

16 – House to introduce carbon capture bill amid questions of tech viability, Utility Dive, 12/14/18

<https://www.utilitydive.com/news/house-to-introduce-carbon-capture-bill-amid-questions-of-tech-viability/544342/>

Coming on the heels of a new report analyzing the growth of carbon capture and storage (CCS) technology in 2018, including new direct air capture initiatives in Canada and the United States, the House is expected to release its own bipartisan version of a Senate bill that adds incentives for the deployment of CCS infrastructure and projects in the coming week.

17 – EPA Regulatory Environmental Law News Update November 2018, National Law Review, 12/16/18

<https://www.natlawreview.com/article/epa-regulatory-environmental-law-news-update-november-2018>

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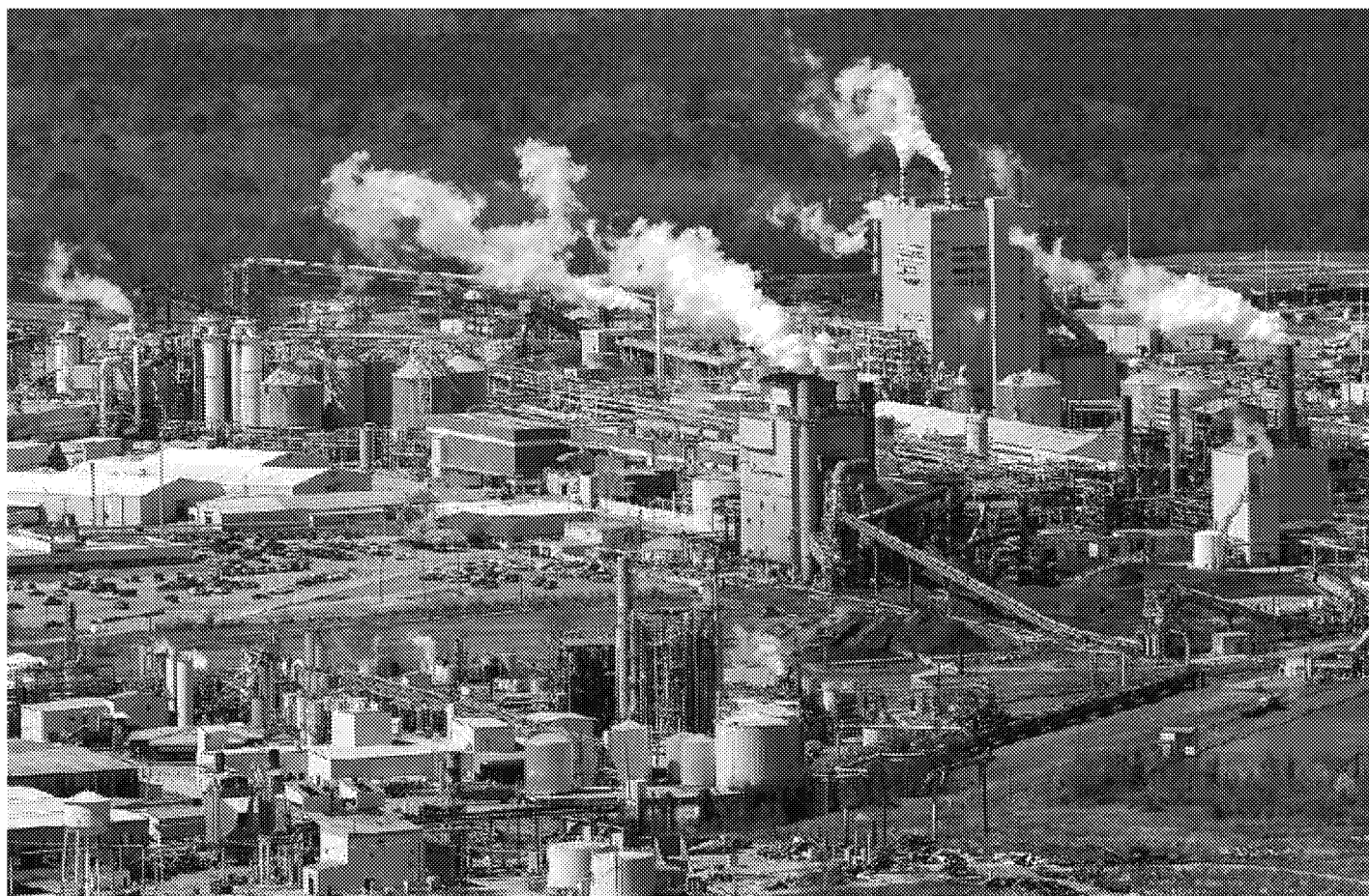
Paper mill fined over foul air; Georgia-Pacific plant in Arkansas to pay \$600,000, fix flaws

by Emily Walkenhorst | Today at 4:30 a.m.

5 COMMENTS

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Fumes rise from the Georgia-Pacific paper mill in Crossett in March. Under a consent decree filed Friday by the U.S. Environmental Protection Agency and the Arkansas Department of Environmental Quality, the mill must pay \$600,000 in fines, make upgrades to reduce air pollutants and spend \$1.8 million on environmental projects, including a 600,000-gallon tank to collect waste products.

A south Arkansas paper mill must pay \$600,000 in fines and spend \$1.8 million on environmental projects and even more on facility upgrades to reduce air pollutants in a town full of residents complaining about their air quality, according to a consent decree filed Friday.

The settlement is a start, but certainly not enough, residents of Crossett said Friday.

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It's too late for people who have already suffered ailments from the Georgia-Pacific paper mill, said Sylvia Howard. Howard blames the mill for the breathing problems she and her family members have.

But the settlement likely can help clear up less serious problems, she said.

"I thank God they're going to clean up some," she said. "Thank God for that."

Earlier this year, an *Arkansas Democrat-Gazette* investigation found that the plant emitted more hydrogen sulfide than the company's permit allowed. Levels were high enough to create an odor with the potential to cause breathing problems.

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The U.S. Environmental Protection Agency and the Arkansas Department of Environmental Quality filed Friday's consent decree in U.S. District Court for the Western District of Arkansas, along with a complaint against Georgia-Pacific.

The action stems from a 2015 agency inspection that found leaks and flaws in the company's management of hazardous air pollutants, such as formaldehyde.

The consent decree orders several additional measures based on complaints from residents regarding excessive hydrogen sulfide in the air that often causes them breathing troubles. Neither the decree nor the inspection state any specific findings or violations related to hydrogen sulfide.

The paper mill inspection in 2015 found dozens of violations, including leaks, monitoring failures and improper procedures. The EPA alleged the company was in violation of the Clean Air Act and the Resource Conservation and Recovery Act.

The settlement is subject to a 30-day public comment period and final approval by a judge. The comment period, as well as a public meeting in Crossett with state and federal officials, have not been scheduled.

"I think this is excellent," said Wilma Subra, a scientist hired by the Louisiana Environmental Action Network to study the air and water quality in Crossett, which is just upstream from the Ouachita River in Louisiana. "The hydrogen sulfide has been a really, really big issue with the community for a long time."

Hydrogen sulfide is mostly emitted from the mill's wastewater-treatment plant, which was exempted from hydrogen sulfide air-quality regulations, along with other paper mills' treatment plants, through a 1999 Arkansas law.

An EPA news release stated, "the settlement will further efforts by EPA and [the Arkansas Department of Environmental Quality] to address residents' health and odor complaints stemming from H₂S emissions from the Georgia-Pacific facilities."

But before Friday, the EPA's enforcement efforts centered on other issues -- too much chlorine and chlorine dioxide on-site, violations of hazardous-waste laws and failure to monitor certain chemicals discharged on-site.

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Georgia-Pacific to pay \$600,000, reduce emissions at Arkansas paper mill as part of EPA settlement

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The Department of Environmental Quality had not taken any enforcement actions related to hydrogen sulfide for Georgia-Pacific's pulp and paper mill in Crossett. It has issued three consent administrative orders against the paper mill since 2016, the first in several years, related to excess carbon monoxide and oxygen emissions.

In 2017, the EPA set up 20 air monitors, some on Georgia-Pacific property and some within the town, for a six-month period. A report on the monitoring, released in February, did not show toxic levels of hydrogen sulfide but showed numerous readings of the "rotten egg" smelling chemical well above the level at which many people start to be able to detect it with their noses, as low as 0.5 parts of hydrogen sulfide per 1 billion parts of air.

It's at that point that people can start experiencing reactions to the chemical. The odor can cause eye, nose and throat irritation, headaches and breathing troubles, among other things.

Georgia-Pacific officials reject the notion that the odor is causing residents' health problems.

"We're not the only manufacturing facility in town," said Jennifer King, the company's spokesman in Crossett. "We do have an odor sometimes. But that's a natural thing with paper mills."

King also rejected the idea personally.

"I was born and raised in Crossett, and I left for about 20 years, and I chose to come back to Crossett and work for GP," she said. "I could have a job pretty much anywhere. I would not come back here if I thought my job was going to make me sick."

Aside from the fines, Georgia-Pacific committed to roughly \$4.7 million in environmental projects aimed at reducing hydrogen sulfide emissions and prolonging community monitoring of the toxic gas's concentration in the air.

The costliest project is a \$2.9 million filter to prevent "dregs," or compounds that don't dissolve, from entering the plant's wastewater-treatment system. The filter reduces the amount of sulfide that enters the system. It has already been completed.

Georgia-Pacific also must spend \$1.8 million on three "supplemental environmental projects," including a \$1 million pulp mill collection tank aimed at making the wastewater system more stable.

The 600,000-gallon tank, when installed, will be used to collect liquors, fiber and other material in order to better control the flow of some waste products into the system. The mill has up to nine months to install the tank, according to the settlement.

A \$500,000 project will inject more oxygen into the wastewater treatment system, reducing hydrogen sulfide emissions and the smell.

Georgia-Pacific also must maintain a public website that summarizes data from a community air monitoring station the company voluntarily installed in 2014. It must continue monitoring for at least three years after the website goes live.

The fines will be split between the EPA and the Department of Environmental Quality.

The Rev. David Bouie, a pastor who has led the Concerned Citizens of Crossett for several years in a fight against the mill's emissions, said he hopes the EPA monitors more air pollutants from the mill.

The mill also emits formaldehyde and benzene, he noted, both of which are toxic at certain levels.

The consent decree is a start, he said, wondering how long it would take for the regulators or the company to take any further actions.

"It's a great move, but look how long it took them to make such a move and force them to have to spend \$3 [million], \$4 [million], \$5 million," he said. His group filed its first federal complaint about the plant in 2011.

The things in the consent decree should have been in the company's permit already, he said.

King said the company has added much of the work to its outstanding air-permit application with the Department of Environmental Quality.

A Section on 12/15/2018

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Georgia-Pacific settles lawsuit with EPA over Crossett pollution

Dec 15, 2018



Georgia-Pacific and the EPA have settled a lawsuit regarding air pollution in the Crossett area.



The Environmental Protection Agency (EPA) on Friday announced a settlement with Georgia-Pacific subsidiaries regarding alleged violations of the Clean Air Act at the company's Crossett complex.

The EPA's complaint, filed in U.S. District Court, alleges that the violations occurred at the companies' paper and chemical products facilities. The complaint and settlement are a result of an EPA inspection of these facilities in 2015.

Under the settlement, Georgia-Pacific is required to take steps to correct the violations, implement a mitigation project to reduce hydrogen sulfide (H₂S) emissions, and implement three supplemental environmental projects to further control H₂S.



The companies will also pay \$600,000 in civil penalties, half to the United States and half to the Arkansas Department of Environmental Quality (ADEQ).

EPA and the ADEQ plan a public meeting in Crossett to discuss the settlement and answer questions. The date, time, and location of the meeting will be announced soon. The settlement will further efforts by EPA and ADEQ to address residents' health and odor complaints stemming from H₂S emissions from the Georgia-Pacific facilities.

EPA's inspection revealed, among other concerns, a lack of air pollution controls (required under the Clean Air Act's New Source Performance Standards and the National Emissions Standards for Hazardous Air Pollutants) at two wood pulp washers at the facilities.

The settlement requires Georgia-Pacific, among other things, to install the appropriate pollution controls on its washers, update leak-control and compliance-monitoring procedures, and conduct emissions and performance testing on other control systems.

The measures required by the settlement are designed to achieve reductions of hazardous air pollutants released from the facilities. In connection with the settlement, Georgia-Pacific also installed a \$2.9-million mitigation project to reduce H₂S emissions and odors from its wastewater discharges.

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In addition, Georgia-Pacific will implement three supplemental environmental projects, costing nearly \$2 million, to reduce the potential for H₂S emissions from the company's processes and to establish air monitoring for H₂S along the fence line of the facilities for at least three years. Monitoring data will be available to the public in real time on a website.

The proposed settlement is subject to a 30-day public comment period and final court review and approval.

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Georgia-Pacific settles EPA Clean Air Act claims

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Published by Alex Hithersay (/team/alex-hithersay/), Editorial Assistant
Hydrocarbon Engineering (<https://www.hydrocarbonengineering.com>), Monday, 17
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The US Environmental Protection Agency (EPA) announced a settlement with Georgia-Pacific Chemicals LLC and Georgia-Pacific Consumer Operations LLC (Georgia-Pacific) of alleged violations of the Clean Air Act (CAA) set forth in a complaint filed 14 December 2018 with the US District Court for the Western District of Arkansas.

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The complaint alleges that the violations occurred at the companies' paper and chemical products facilities in Crossett, Arkansas. The complaint and settlement are a result of an EPA inspection of these facilities in 2015.

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The settlement will further efforts by EPA and ADEQ to address residents' health and odour complaints stemming from H₂S emissions from the Georgia-Pacific facilities.

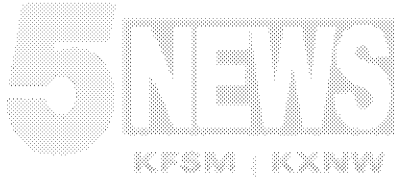
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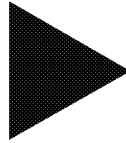
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EPA Evaluating Health Concerns Surrounding Bella Vista Dump Stump Fire

POSTED 7:31 PM, DECEMBER 14, 2018, BY 5NEWS WEB STAFF



EPA Evaluating Stump Dump Fire In Bella Vista



BELLA VISTA (KFSM) -- The EPA is evaluating a smoldering underground fire at a former dump stump in Bella Vista after state health officials say the air quality surrounding the area is unhealthy for residents.

Residents living nearby say they have been living with the smell and breathing issues long enough.

"I can't open the windows. So I can't go outside, I can't open the windows, so you feel like a prisoner in your own home," Dirk Webber told 5NEWS.

The Arkansas Department of Health said pregnant women, infants, and young children are more sensitive to the smoke.

The fire has been smoldering underground since July, and the Bella Vista Fire Department says there's no safe way to put it out.

Coordinators with the EPA have been in Bella Vista doing air sampling and monitoring, but say they are now in the process of putting some options together to present to the state on how to extinguish the fire.

"We're in the process of putting together some options to present to the state as far as going forward," Matt Loesel with the EPA told 5NEWS. "We've put some of our monitoring data on the city's website, and we're in the process of gathering our sampling information."

Residents living near the stump dump say there will be another meeting about the fire on Monday (Dec. 17) at Bella Vista's city hall.

[Click here to see more information about the stump dump fire on Bella Vista's city website.](#)





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Agencies still stumped on dousing underground fire

by Mike Jones | December 16, 2018 at 4:04 a.m.

3 COMMENTS

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BELLA VISTA -- State and federal officials on Friday toured the site on Trafalgar Road where an underground fire has burned for more than four months, but they haven't decided how best to extinguish it, one of them said.

A cold wind pushed the smoke east as it rose from the ground while the small group roamed the site for about an hour.

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The Arkansas Department of Health said preliminary results of monitoring near the fire showed air quality in the "unhealthy" category, according to an Arkansas Department of Health news release. Everyone within a half-mile radius of the 8000 block of Trafalgar Road was told to avoid prolonged or heavy exertion outdoors in that area.

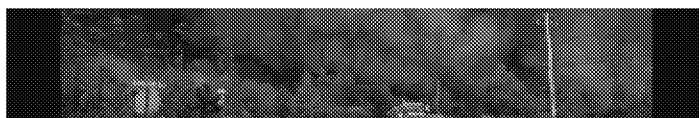
Matt Loesel of the federal Environmental Protection Agency said testing Thursday and Friday showed no readings in the "unhealthy" category.

Journalists weren't allowed onto the site, which is blocked by two red steel gates at Trafalgar Road. A sign that reads "Restricted Area. Keep Out" sits at the entrance.

Loesel said the tour was used to collect ideas about how to put the fire out. Cassi Lapp with the city said some EPA testing showed that the fire was burning as hot as 800 degrees in some places.

Fire Department personnel have said the fire may be burning more than 50 or 60 feet underground. Loesel said he didn't know how big the fire is.

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"It's a case-by-case basis," he said of fighting underground fires. "You have to find out what's in it."

The EPA will continue to evaluate the site and will recommend to the state what could be done to extinguish it, Loesel said. He didn't have a timeline for when the agency will be done with its work. Topography will have to be considered when deciding what type of firefighting equipment to be moved in, Loesel said.

A collection system to gather any runoff will be set up if it's decided that large amounts of water will be needed to extinguish the fire, he said. The area is in the watershed for Lake Ann.

Fire Chief Steve Sims previously said firefighters were initially dispatched to the area July 29, where they spotted smoke and what appeared to be the remains of a brush fire. The property is owned by Brown's Tree Care. There were no controlled burns listed in the dispatch log, he said, and the property owner denies burning brush in that area.

The EPA is doing air quality testing along Trafalgar Road this month. The testing, called particulate matter monitoring, measures the amount of solid and liquid droplets found in the air such as ash, dust and smoke. The amount of particulate matter in the air provides a snapshot of air quality and how it may affect health, according to the Arkansas Department of Health.

Residents are also tracking air quality near Trafalgar Road using a system called PurpleAir.

The Health Department said resident-collected data can help support the EPA findings.

The EPA collected 24-hour air samples from five locations around the tree care property Oct. 1 and Nov. 10. The agency tested for hundreds of chemicals associated with landfill fires potentially containing construction debris, household waste or tires. None of the air samples showed elevated concentrations of chemicals of concern in the community, according to the EPA.

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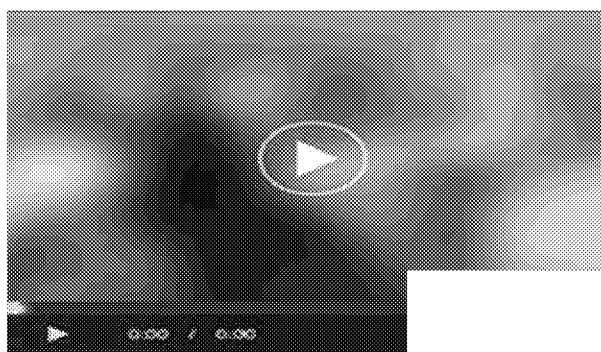
EPA testing shows air near stump dump 'unhealthy'

Air quality 'unhealthy' near underground fire in Northwest Arkansas, state says

More testing planned for Bella Vista stump dump site

Tests show elevated level of benzene at Bella Vista stump dump fire

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The EPA also collected samples from the property and found a low level of benzene Nov. 10, according to an EPA release.

The American Cancer Society says benzene is a colorless, flammable liquid with a sweet odor and it evaporates quickly when exposed to air.

The chemical is a natural part of crude oil and gasoline, as well as detergents, drugs and pesticides.

Stuart Spencer, associate director of the office of air quality at the Arkansas Department of Environmental Quality, told residents at a Dec. 1 meeting that benzene suggests there's trash in the former dump and not just yard waste.

Curtis and Tiffany Macomber, who live near the Bella Vista dump site, sued Brown's Tree Care and John Does 1-3 over the fire. The lawsuit was filed in Benton County Circuit Court.

It alleges that continued smoke from the site has created a hazardous situation for the Macombers and their children. The case is assigned to Benton County Circuit Judge Xollie Duncan. Brown Tree Care hasn't filed a response to the lawsuit.

Metro on 12/16/2018

Print Headline: Agencies still stumped on dousing underground fire

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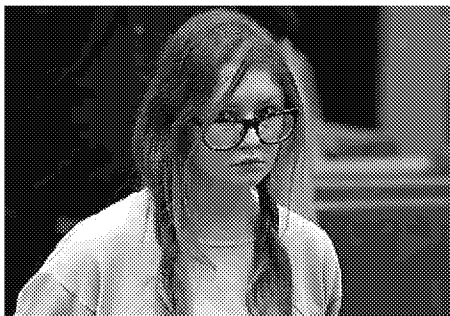
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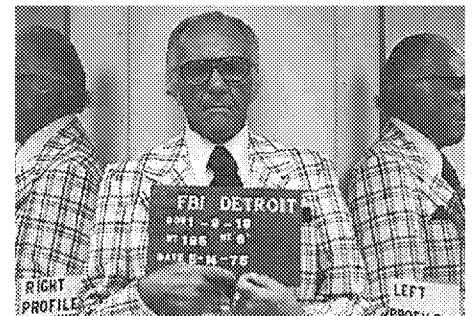


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Baton Rouge councilwoman says landfill causing cancer, but health experts say evidence lacking

BY STEVE HARDY | SHARDY@THEADVOCATE.COM DEC 15, 2018 - 5:45 PM



Council member Chauna Banks leads a meeting to vent frustrations about the DEQ's handling of Ronaldson Field, Thursday, June 7, 2018, in East Baton Rouge Parish.

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Advocate staff photo by HILARY SCHEINUK

Steve Hardy

For more than a year, residents near Baker have fought to shut down the local specialty landfill over concerns about odor, fire and vermin.

But the councilwoman representing the area has taken it a step further, suggesting the site is causing cancer — a claim health officials say isn't supported by the facts.

Ronaldson Field was first permitted in 1997 and is seeking permission from the Louisiana Department of Environmental Quality to continue operations for ten more years. The landfill typically accepts construction debris and woody waste, though it was allowed to take in waterlogged furniture and carpets in the aftermath of the 2016 flood.

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When residents were asked in October to submit public comments on a permit renewal, nearly all asked the DEQ to reject the proposal because the landfill smells bad or because of non-specific health concerns.



Alsen landfill seeks renewal of permit amid complaints about odors, inadequate monitoring

Local councilwoman Chauna Banks — who represents the Alsen and St. Irma Lee neighborhoods — has honed in on the alleged cancer risks.

"One hundred percent of the residents in St. Irma Lee have been diagnosed and died of some form of cancer," she told her Metro Council colleagues in an October meeting, reading off a PowerPoint presentation she prepared about Ronaldson Field.

When questioned about her assertion in a recent interview, Banks doubled down, saying that according to St. Irma Lee residents, everyone who has died in recent memory was killed by cancer.



Alsen residents ask state to block renewal of nearby landfill: 'Do not dump in my community anymore'

For medical professionals, though, her claim beggars belief.

"(The landfill) is not going to cause cancer. You know what's going to cause cancer? Fatty food, smoking, genes, lifestyle choices," said state epidemiologist Raoult Ratard, of the Louisiana Department of Health.

Parish Coroner Beau Clark also said he has not drawn or seen any link between Ronaldson Field and instances of cancer.

Lauren Maniscalco, liaison for LSU's Tumor Registry, said the cancer rate in the census block around the landfill is not statistically significant when compared to the rest of Louisiana based on the available data on cancer tumors.



Metro councilwoman at meeting in Alsen bashes DEQ over of Ronaldson Field landfill

Told of the assertions by health officials, Banks said she's talked to residents about their medical concerns and that the DEQ needs to take them seriously and do more studies. She said she didn't feel like repeating what she's already said about cancer rates.

"We've done all the work. We've had all the meetings," Banks said.

Ronaldson Field is mostly full of plants and construction material that's already in people's houses, Ratard said. So while he tried to allay cancer fears, the doctor acknowledged that there are legitimate concerns for people who live near landfills.

"The odors are not going to kill you, but they are going to make you feel very unpleasant ... Day after day after day it's going to affect your quality of life," Ratard said.

Fermenting waste produces sulfides and methane gas, "not in sufficient quantities to cause health effects ... but our nose is very sensitive to it," he continued.

Ronaldson Field officials did not return calls seeking comment. In the past, landfill representatives have said they fill a vital role which ensures continued development in the region. They've also said that flood debris would have lingered much longer without their facility and pointed out that the landfill is in compliance with all the DEQ's regulations.

Though the city-parish dumped flood debris at Ronaldson Field in 2016, the local government does not currently have a contract with the facility, nor does it plan to use the site in the future, said environmental services director Richard Speer.

The city-parish has its own dump — the North Landfill — about four miles away off U.S. 61.

DEQ expects to rule on Ronaldson Field's permit renewal sometime next year.

"My folks are going through a lot of comments right now. ... This one has attracted a lot of attention," said DEQ assistant secretary Elliott Vega. "There is some controversy."

DEQ denied another construction and debris landfill around Alsen about a year and a half ago, Vega said. That decision didn't get a lot of attention, but it does show the department is willing to say no to companies that can't prove that they're filling a need and adequately considering alternate sites, he continued.

Banks has contended that DEQ does an inadequate job monitoring Ronaldson Field and investigating neighbor's complaints about odors and other concerns. The department has defended its record.

The Louisiana Environmental Action Network has joined with Alsen and St. Irma Lee residents in opposing the permit renewal. The group argues that the state should slow down because there is a higher instance of cancer in the area and they need to determine the source before charging ahead with development.

"The common rhetoric we often hear from state agencies is that there is not a problem, to which I would say we do not have enough information to say that there is no problem, and the data we do have suggests there is a problem," LEAN spokesman Michael Orr wrote in an email to The Advocate.

The local census block does have a cancer rate 13 percent higher than the state average. LSU's tumor registry found a rate of 552 instances of cancer per 100,000 residents between 2006 and 2014. However, the rate and small sample size mean the state doesn't believe the data indicate the area's cancer rate is significantly higher or the result of chance, Maniscalco said.

Even if there is a higher cancer rate, it's difficult to pin it on any particular facility, noted Clark, the coroner. Many petrochemical plants are also nearby, which could impact residents' health, he said.

Those other sites make Ronaldson Field a weak target, said communications consultant and former environmental journalist Gerard Braud.

He's sympathetic to the neighborhoods which have long had to live among disruptive, foul-smelling facilities, but doesn't think their scattershot strategy will work.

"You can't just speculate and point your finger at a smokestack and say, 'That's the source of my ailments.' ... You can't just throw every fear at the wall like a bowl of spaghetti and see what sticks," Braud said.

Banks allowed that other facilities may contribute airborne carcinogens, but traffic problems, water run-off, negative impacts on economic development and other concerns are all directly attributable to Ronaldson Field, Banks said.

Meanwhile, DEQ has promised to respond to all the community's concerns, including the neighbors who just want to see their quality of life improve.

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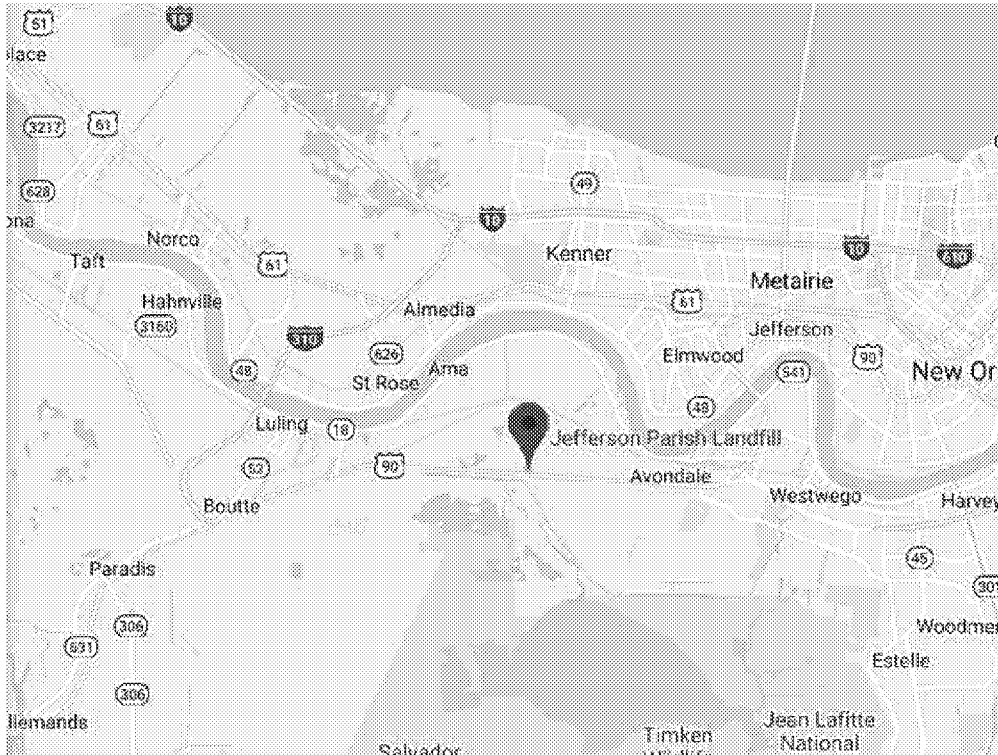
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Jefferson Parish landfill blamed in fifth lawsuit by 85 plaintiffs for health issues

Updated Dec 15;

Posted Dec 14



The Jefferson Parish landfill is located off U.S. 90 at Waggaman (Google)

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By Drew Broach, NOLA.com | The Times-Picayune,

dbroach@nola.com

The Times-Picayune



Coughing, nausea, burning eyes, dizziness and lethargy are among the ailments that 85 plaintiffs in a new lawsuit blame on toxic releases from the Jefferson Parish landfill. Filed Thursday (Dec. 13), it is the fifth suit seeking damages from the parish government and Jefferson's garbage dump operators for health problems in the past five months.

The suit is notable because it names multiple plaintiffs who live on both sides of the Mississippi River, in Waggaman, where the landfill is located, as well as Avondale, Harahan, Kenner, Metairie and River Ridge. It is signed by attorney Nicholas Cressy of New Orleans, who lists assistance from Barry Neuman, a prominent environmental litigator based in Washington D.C.

Defendants are Jefferson Parish, Louisiana Regional Landfill Co., Waste Connections Bayou, Waste Connections US, Aptim Corp. and their insurers. Parish President Mike Yenni's chief operating officer, Keith Conley, and Parish Council Chairwoman Cynthia Lee-Sheng would not comment on the suit Friday.

Complaints about landfill odors exploded this past spring, especially from Harahan and River Ridge residents. The Louisiana Department of Environmental Quality has concluded the dump is the source of the stench and has been leaning on parish officials to eliminate longstanding failures in landfill management. Jefferson is spending millions of dollars on consultants, contractors and construction to fix the dump.



Plaintiffs in the new suit, filed by 70 adults and 15 minors in the state's 24th Judicial District Court in Gretna, want money for their health ailments, loss of use and enjoyment of their homes, diminished property value, lost wages and mental pain and suffering. The suit has been assigned to Judge Stephen Grefer.

Four other landfill suits filed by individuals or a couple are pending in court.

- *Read the new suit:*

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.





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Advocate for river joins suit against Arkansas farms; group seeks to end environmental assessment exemptions

by Emily Walkenhorst | Today at 4:30 a.m.

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An Arkansas environmental group is one of eight organizations to sue the federal government over a 2016 decision that exempted certain-sized animal farms from federal loan policies requiring environmental assessments.

The groups, which include the White River Waterkeeper, seek to end the Farm Service Agency rule change and reopen loan applications to environmental assessments and public input on those assessments before farms are constructed.

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The lawsuit was filed Dec. 5 in the U.S. District Court for the District of Columbia. The federal government had not filed a response to the complaint as of Friday afternoon.

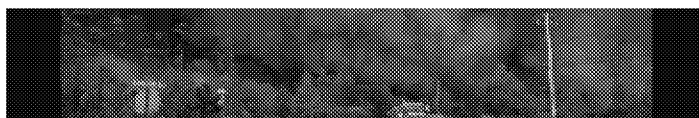
A U.S. Department of Agriculture spokesman said the agency does not comment on pending litigation. The Farm Service Agency is part of USDA.

In August 2016, the Farm Service Agency began using an environmental screening worksheet instead of an environmental assessment when considering farms for loans or loan guarantees, according to the lawsuit. But the worksheet is "insufficient and is not always employed," the lawsuit said.

The worksheet process does not provide public notice of the proposals the way an assessment did, the groups argue.

Larger facilities must still complete environmental assessments.

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The Farm Service Agency supplied loans using the worksheets, instead of an assessment, to at least 100 medium-sized confined animal feeding operations in Arkansas between Aug. 3, 2016 and December 2017, according to the lawsuit. Those include breeding facilities with as many as 48,000 hens. Medium confined animal feeding operations have limits of 2,499 pigs, 699 dairy cows, 54,999 turkeys or 124,999 broiler chickens.

During that time, 40 operations in four counties had no public comment or environmental assessment, according to the White River Waterkeeper.

Requiring environmental assessments before construction would protect the owners of concentrated animal feeding operations, which are often contracted with global corporations and have small profit margins, Jessie Green, executive director of the White River Waterkeeper, wrote in a news release issued last week.

"Limiting environmental review and transparency on the front-end places farmers in a position to be blindsided by concerns after they are trapped with debt and unable to negotiate better contracts which would allow them to upgrade environmental controls," Green wrote. "We don't need more loopholes for corporations; we need a system that promotes independent farming and wealth for rural communities."

An Arkansas Farm Bureau spokesman said he did not know what percentage of farm loans are federal.

"There are, obviously different financing options available," Arkansas Farm Bureau spokesman Steve Eddington wrote in an email to the *Arkansas Democrat-Gazette*. "Young farmers with limited assets are the ones who are impacted most when financing options are limited."

Companies are using medium confined animal feeding operations and their exemption from the assessments rather than larger facilities still required to conduct the assessments, the groups argued.

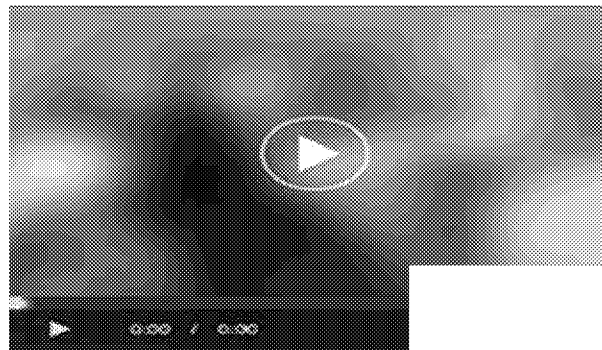
The rule change violated federal laws in a handful of ways, the groups argued:

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- Farm Service Agency did not provide a basis for its rule change and only stated that the rule would not have significant effects, the lawsuit contends.
- The agency proposed the rule because of "its desire to reduce the number of [National Environmental Policy Act] assessments to make it faster and easier for the industry to get loans," the lawsuit reads. That violates the law because the act did not intend for rules to be changed for such a reason, the groups argue.
- The agency also violated the Administrative Procedures Act when it did not open the rule change to a public comment period, the lawsuit reads.

The lawsuit asks that the rule be stricken and declared in violation of the two laws, and that all funding approved but not yet fully implemented since the rule change be declared "null and void."

The groups suing alongside White River Waterkeeper are Food & Water Watch; Dakota Rural Action; Institute for Agriculture and Trade Policy; Iowa Citizens for Community Improvement; Citizens Action

Coalition of Indiana; the Shafter, Calif.-based Association of Irrigated Residents; and the Animal Legal Defense Fund.

Metro on 12/17/2018

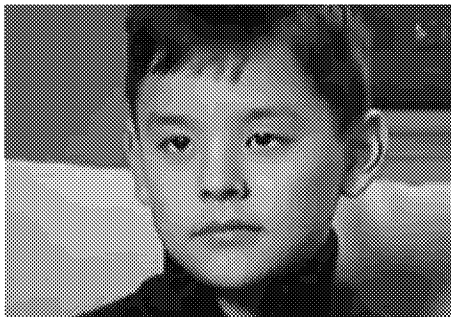
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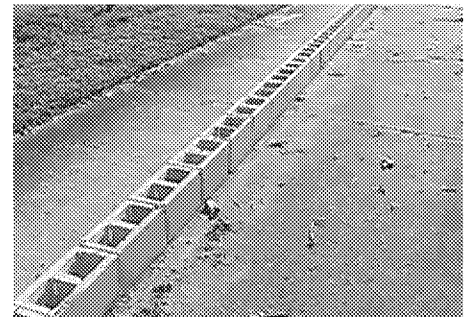
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WIPP to shutdown for maintenance in January; construction projects ongoing

By Adrian C. Hedden | Carlsbad Current-Argus Dec 15, 2018 Updated Dec 16, 2018

The Waste Isolation Pilot Plant will cease operations for almost a month, starting in January.

The annual maintenance outage is planned to begin after the holidays, and continue until Jan. 27.

During this time, WIPP workers will perform routine maintenance on equipment in the underground, replacing air lines, resurfacing portions of the mine and continuing ground control bolting.

The announcement came during Thursday's town hall meeting, WIPP's last of the year.

"This is only our second outage since restart," said Bruce Covert, president of Nuclear Waste Partnership — the contractor that operates WIPP's day-to-day activities. "It should be very positive. It's very needed."

WIPP accepted 310 shipments of nuclear waste for disposal at the facility in fiscal year 2018.

WIPP workers also broke ground on a new ventilation system, and installed 7,000 ground control bolts last year.

Throughout the year, Covert said one of WIPP's biggest challenges was air flow in the mine where waste is emplaced.

Construction crews broke ground this summer on WIPP's Safety Significant Confinement Ventilation System (SSCVS), a new ventilation that is expected to almost double the available airflow in the underground.

Records show the SSCVS is expected to be finished by 2021.

The added filtration is needed, Covert said, as diesel equipment is used during mining at WIPP, cutting down on the air available for workers to breathe.

"We have a couple of issues we're working on. One of them is air quality," Covert said. "We've really studied the airflow in the underground. We working with the crew to minimize exposure to diesel fumes."

Covert said WIPP officials are also adding exhaust fans to the mine in an attempt to increase flow while the SSCVS is built.

A contract was recently awarded for the SSCVS project to Carlsbad-based Critical Applications Alliance.

The company conducted about \$200 million in construction projects in Carlsbad, Covert said, during its decades in the area.

Critical Applications Alliance recently completed a transloading facility, he said, near Loving in southern Eddy County.

"They're active in our community. They're headquartered right here in Carlsbad," Covert said. "Selecting them, we wanted them to go achieve the mission, but they're also giving back to the community."

He also pointed to numerous infrastructure improvements in the last year, such as replacement of a salt hoist and adjustment of WIPP's north access road.

The road is being moved west to make room for the SSCVS, and will be straightened said Todd Shrader, manager of the U.S. Department of Energy's Carlsbad Field Office (CBFO).

Shrader said the road will not only allow space for the ventilation system work, but will improve safety for drivers in the area known for heavy industrial truck traffic.

Work is expected to begin on the road in February 2019.

“I’ve heard there’s a ridiculous amount of trucks that go through there every day,” he said. “Overall, it will be a safer road.”

In addition to the infrastructure work, Shrader said WIPP is also in the process of achieving its five-year certification through the U.S. Environmental Protection Agency, and is working on a strategic plan that will guide WIPP operations in the future.

He said the plan was delayed as the DOE is engaging in a review across the Environmental Management complex, looking for ways to hasten nuclear facilities to closure.

“They’re looking for ways to get closure around the complex. That can’t happen without WIPP,” he said. “A lot of sites depend on WIPP. WIPP is not a closure site. We are into our mission. We’ll probably be here for another 20 to 30 years.”

Other administrative tasks ongoing at WIPP are a permit modification to adjust how WIPP tracks the volume of emplaced waste — potentially increasing the facility’s capacity for disposal — and a proposal before the DOE to change how it classifies “high-level” nuclear waste.

The proposal could increase the types of waste that could be characterized and emplaced at WIPP.

Carbon emissions zoom, and the world warms

Express-News Editorial Board Published 4:42 pm CST, Friday, December 14, 2018

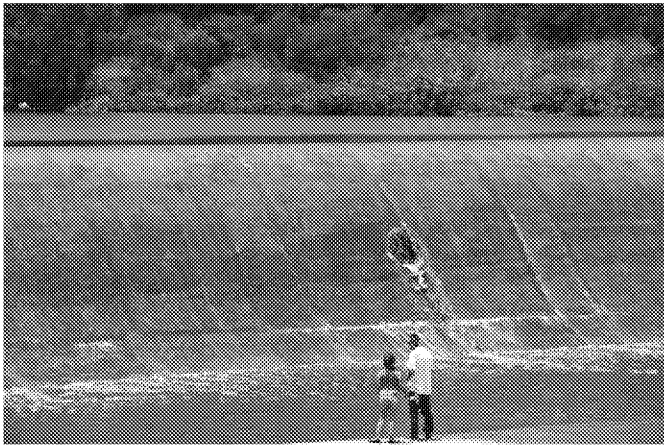


Photo: JERRY LARA /San Antonio Express-News

Irving Morales, 27, and Jennifer Covarrubias, 29, watch as water flows over Espada Dam in south San Antonio May 21. Among the possible casualties of unchecked climate change? The Edwards Aquifer.

Carbon emissions are increasing, Arctic ice is melting, and the world is squandering a small window of opportunity to avert disaster.

Major scientific report after major scientific report sound the same alarm.

The Earth is warming, creating conditions that will make extreme

weather routine. Picture the raging wildfires in California or the bruising hurricane season in the Southeast.

Weather events, yes. But man-made climate change has created ideal conditions for such weather.

At the exact time the world should be decreasing carbon emissions, the opposite is happening. Carbon emissions will be up in 2018. Just like they were up the year before.

A recent report from the Global Carbon Project, comprised of 100 scientists from various academic and research institutes, has found global carbon emissions likely increased by 2.7

percent in 2018. In 2017, global carbon emissions increased by 1.6 percent.

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Reducing carbon dioxide is crucial because it is the primary contributor to man-made climate change. It traps heat in the atmosphere for thousands of years.

President Donald Trump has utterly failed on this issue. He has derided climate change as a “hoax,” pushed to relax limits on vehicle pollution and moved to withdraw the U.S. from the Paris climate accord. As far as climate change goes, he is the wrong president at the wrong time espousing the wrong policies, and our future selves, as well as our kids and grandkids, will bear the cost of his indifference on this issue. We are passing the climate buck.

But focusing on Trump is also too narrow, even though the United States plays an outsized role on this issue as a global leader — and emitter. As the data from the Global Carbon Project show, world leaders are also utterly failing. Some world leaders espouse better rhetoric about climate change, but it’s lip service since many nations have failed to meet their voluntary pledges to reduce carbon emissions under the Paris agreement.

China continues to build coal-fired power plants. India is relying on coal to provide electricity to some 300 million people. And in the United States, responsible for 15 percent of global emissions, the rise of electric vehicles has not slowed an insatiable appetite for oil and cheap gas.

Shortly after this carbon report was released, the National Oceanic and Atmospheric Administration released its annual Arctic Report Card, which only highlights our collective failure.

The latest report found the oldest and thickest ice in the Arctic, described as the “glue” that holds the Arctic together, has mostly melted away. About 95 percent, according to the Washington Post.

“The finding suggests that the sea at the top of the world has already morphed into a new and very different state, with major implications not only for creatures such as walruses and polar bears but, in the long term, perhaps for the pace of global warming itself,” the Post reported.

The issue here is if the Arctic shifts to ice-free summers, the ocean will absorb more heat and the planet will continue to warm.

If the Arctic is too far away to truly resonate, or the plight of walruses and polar bears too removed from the pressures of daily life, there are plenty of warning signs right here in San Antonio.

As Express-News journalist Scott Huddleston recently reported, climate change will put the Edwards Aquifer, San Antonio’s primary source of drinking water, at risk in the next 50 years.

This is because of increased population growth, more impervious cover (sidewalks, asphalt, rooftops and other surfaces) that traps heat and keeps water from absorbing into the ground and because of greater risk of drought. That is, the extreme weather that will become routine in a warmer world.

But it doesn’t have to be so. Carbon emissions could be regulated. A carbon dividend plan — essentially a tax that returns money to American families — could be used to limit emissions.

Developments in technology offer hope. And for those who say such policies are job-killing, the most recent climate assessment has estimated inaction will cost the U.S. economy hundreds of billions of dollars a year. Extreme weather in 2018 cost the U.S. \$306 billion, according to the New York Times.

The window of opportunity is narrow. If we miss it, no one can say we weren't warned about the consequences.

NOLA.COM

Fire emerges as an ally in the fight to save Louisiana's marsh

By Tristan Baurick | Posted December 14, 2018 at 01:49 PM | Updated December 14, 2018 at 05:27 PM

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Heath Romero, land manager for the McIlhenny Co., sets fire to a marsh near Avery Island on Dec. 10, 2018. Photo by Tristan Baurick, NOLA.com | The Times-Picayune

AVERY ISLAND – Heath Romero kills the engine on his airboat and climbs to the top of the propeller cage, the highest point in the flat expanse of marsh around this part of South Louisiana. Sitting quietly with his face tilted upward, he notes the parting clouds, the brightening sun, and the wind, just now starting to come to life.

“Feel that? Now it’s gonna happen,” he says.

A fire Romero set about a half mile away starts to crackle. Within seconds it sweeps across the marsh and splashes the sky with thick, black smoke.

“It’s rolling now,” he says. “That’s what we want.”

Video by Tristan Baurick, NOLA.com | The Times-Picayune



What he wants is a healthier marsh – a marsh that resists the triple threat of sea level rise, erosion and subsidence that robs coastal Louisiana of **about an acre every hour**. It may seem like a contradiction to burn what you hope to save, but recent research is showing that the Gulf coast's longstanding tradition of controlled marsh fires not only boost the health of wetlands but may help in the fight against land loss.

"We're seeing that burning can have multiple benefits," said Karen McKee, a wetland scientist who studied the effects of controlled fires, known as prescribed burns, on marshlands on the Texas coast.

Her **research for the U.S. Geological Survey** found that regular burns reduced relative sea level rise by about a third. Relative sea level rise is the combined effect of subsidence, a process that causes land to compact or sink, and rising seas caused by climate change.



A prescribed burn near Avery Island produces thick, black smoke. Tristan Baurick, NOLA.com | The Times-Picayune

McKee tested burned and unburned sections of McFaddin National Wildlife Refuge near Port Arthur, Texas, just west of the Louisiana line. Like much of the Louisiana coast, this part of Texas is retreating at a rapid rate, losing between 15 and 45 feet of marsh each year. Marsh that underwent prescribed burning on a three- or five-year cycle offset annual elevation deficits by about a millimeter, McKee said.

"That may seem small, but as a rate it's significant," she said, noting that global sea level rise is increasing by about three millimeters per year. "The affects can accumulate over time. I could easily envision other sites (in Louisiana) having an even greater difference."

Research **conducted by Louisiana State University** found that prescribed burns can strengthen marshes and boost wildlife abundance. Marshes that underwent prescribed burns in coastal Louisiana recovered quickly. Within a year, they had thicker, greener grasses and hosted a greater number of sparrows and other birds.



"Fires are rejuvenating and stimulating," said Jon King, fire management officer for three coastal wildlife refuges in southwest Louisiana. "They get rid of the old, dead stuff and let better stuff grow up."



McIlhenny Co. land manager Heath Romero sits on his airboat's propeller cage to observe a prescribed burn near Avery Island on Dec. 10, 2018. Photo by Tristan Baurick, NOLA.com | The Times-Picayune

BURNING TRADITION

Within two hours of lighting his first fire, Romero had burned about 50 acres. That's a fraction of what he burns each year as the land manager for the McIlhenny Co., makers of Tabasco hot sauce.

The company owns about 30,000 acres of marsh around Avery Island. Each year, Romero burns about half of it.

"When we don't burn, you can feel it," he said. "The ground gets spongy. You want that firm. That's what the burning does."

The company has been based on Avery since its founding in 1868. Avery, less of an island and more of a hill surrounded by a sprawling maze of marshes and bayou, has been hit hard in recent decades by storms, flooding and erosion. As the buffer of marsh disappears, storms can strike deeper, damaging lands that had once been safe. In 2005, Category-3 Hurricane Rita flooded and nearly destroyed Tabasco's production and bottling facilities. Rather than pack up and leave, **the company decided to stand its ground, investing millions of dollars in a levee system and several marsh restoration projects.**





A pelican flies near a hunting blind in the marsh around Avery Island on Dec. 10, 2018. Photo by Tristan Baurick, NOLA.com | The Times-Picayune

The company's land managers have burned the marshes for as long as anyone can remember, but it wasn't for the marsh's benefit. Romero's uncle, **Raleigh Rogers**, lit up the marsh to catch more muskrat.

"He'd burn all the brush, and that'd make it easier to walk and find his traps," said Romero, who took over the land manager job from his uncle 12 years ago. "But near the end, he started seeing the other benefits."

Rogers noticed that neighboring lands that weren't burned eroded faster or didn't hold up as well to storm surges.

"That land – the waves would just peel it right up," Romero said.

The same lesson is being learned elsewhere on the Gulf Coast.

"Before you had me, who has a graduate degree in this stuff, you had trappers and ranchers doing basically the same thing," King said. "At first, they did it because it made it better for hunting or grazing."





A prescribed burn on Avery Island leaves blacked shrubs and scorched marsh grasses. Photo by Tristan Baurick, NOLA.com | The Times-Picayune

They developed a mantra: “If you don’t burn your marsh, you’re going to lose it,” King said.

“Sometimes that local wisdom is true,” he said.

That doesn’t mean all human-set fires are beneficial. A fire can burn too hot and too long or be set at the wrong time of the year. It can even exacerbate land loss if not done right, McKee said.



Heath Romero, land manager for the McIlhenny Co., watches as a line of fire moves across an Avery Island marsh on Dec. 10, 2018. Photo by Tristan Baurick, NOLA.com | The Times-Picayune

REPLICATING NATURE

Fires burn around 60,000 acres per year in the cluster of three refuges – Sabine, Cameron Prairie and Lacassine – that King helps manage in Cameron and Calcasieu parishes. About half that acreage is scorched naturally, usually sparked by lightning strikes.

The marsh ecosystem on the northern Gulf Coast evolved with wildfires as a key component. Fires prevent trees and other woody species from invading marshes, and they promote the growth of grasses that birds and other wildlife prefer to eat. The seaside sparrow, for instance, tends to disappear from marshes that don't burn regularly. Fires also produce nutrient-rich ash that fertilizes the soil, and open the ground to sunlight, allowing seeds to sprout.

King and Romero try to replicate the best attributes of wildfires. They avoid burning in summer and spring, when birds are nesting and other wildlife are fattening up on bountiful plant growth. A winter fire timed a day or two after rain is best, Romero said.

On Monday (Dec. 10), he had the right balance of conditions. Weekend rainfall had saturated the roots and muddy soil, protecting them from the fire, but the leaves and stalks had dried.



McIlhenny Co. land manager Heath Romero uses his airboat's propeller to get a prescribed burn going near Avery Island on Dec. 10, 2018. Photo by Tristan Baurick, NOLA.com | The Times-Picayune

"You want the flame to just sit on top of that and not get in all that peat below," he said. "That stuff will burn forever."

Romero's first fire, lit with a propane torch before noon under overcast skies, wouldn't budge. He tried a little trick of the trade – blasting the fire with his airboat's propeller. As the fire began to move, he raced ahead and lit more fires that dried the grass in the first fire's path.

Just after noon, Romero got the right combination of humidity, sun and wind. The fire charged ahead, crackling loudly through clusters of indigo and making enough smoke to blot out the sun. It burned out when it reached the wetter edges of the marsh. Within 20 minutes of the fire passing, the burned stalks and soil were cool to the touch, unlike the fires in Western forests, which can burn so hot and long that tree roots deep in the soil

remain scalding hot for days and spark new fires. Romero's fire blackened the landscape but left small islands of green. This patchwork will foster re-growth and give animals a bit of cover, he said.

The fire provided an immediate benefit for hawks. Nearly a dozen gathered overhead and swooped down for mice and insects flushed out by the flames.

Within a few months, the burned area's collection of roseau cane, needle grass and three-cornered grass will be back better and healthier than before, Romero said. In 2021, he'll probably return to light it up again.



Smoke billows from a prescribed burn in the vast marshland around Avery Island on Dec. 10, 2018.
Photo by Tristan Baurick, NOLA.com | The Times-Picayune

HAZY FUTURE

Louisiana's marshes have few homes, but there's plenty of oil and gas infrastructure that could be put at risk from prescribed burns. Romero and King say they give all wells and pipelines – both active and abandoned – a wide berth. King's fire crew regularly fights wildfires that stray close to the many refineries and liquid natural gas plants in Cameron and Calcasieu parishes.

Keeping the fires contained in the marshes of Louisiana is helped by the dense tangle of bayous and canals. Fire lines – gashes cut in the soil to halt a fire's spread – aren't usually required.

The biggest fire management headache is keeping the smoke away from people.

Romero might have perfect conditions for a fire but have to call it off if the wind is blowing toward Avery's 150 residents and dozens of Tabasco workers.

"The minute the smoke goes toward houses, I get phone calls," he said. "They really hate this stuff," he said, pointing at six-inch-long tufts of ash that floated through the air during his marsh burn. "Nobody wants this stuff landing on their car."





Heath Romero, land manager for the McIlhenny Co., uses a propane torch to light fires in a marsh near Avery Island. Photo by Tristan Baurick, NOLA.com | The Times-Picayune

Large fires can hurt air quality in cities and reduce visibility on roads. A wildfire in Sabine National Wildlife Refuge produced so much smoke that traffic on major roadways near Lake Charles ground to a halt and sheriff's deputies were called to escort vehicles out of the haze.

People are especially skittish about smoke after recent wildfires that devastated communities in California and for weeks clogged the region's air with smoke, Romero said.

He and King worry that the public could turn against prescribed burns. In other parts of the country, towns and cities are sprawling outward into natural landscapes and homes are being built in fire-prone areas. That's not a big worry in coastal Louisiana, where many communities have declining populations due to flood and storm risk and downturns in the local fishing and oil industries. But Lake Charles and Port Arthur are growing, and liquid natural gas facilities are popping up around the Sabine refuge.

Oil spill in Plaquemines Parish, 420 gallons lost from damaged line

Updated Dec 14;

Posted Dec 14



An oil spill occurred near Garden Island Bay (pictured) in Plaquemines Parish on Friday, December 14, 2018.

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By Beau Evans, NOLA.com | The Times-Picayune,

bevans@nola.com

The Times-Picayune

About 420 gallons of crude oil spilled from a damaged disposal line Friday (Dec. 14) near Garden Island Bay at the 1 foot of Plaquemines Parish, according to the US Coast Guard. It's the second oil spill within a month from equipment owned by the same Texas-based company.



In a news release, the Coast Court reported officials were notified just before 4 p.m. Friday that a damaged saltwater disposal line owned by the Texas Petroleum Investment Company had discharged oil. Response crews deployed about 2,000 feet of containment boom to capture the oil, the Coast Guard said. The agency says the spill's source has been secured.

The Coast Guard is advising fishing vessels to be mindful of response crews that may be working in the area. Tune in to VHF radio channel 16 for marine safety information and alerts for fishing vessels near the spill area.

Recently, a Texas Petroleum Investment Company-owned pipeline spilled 1,680 gallons of crude oil last month in a marsh near Dulac in Terrbonne Parish. The Coast Guard and other agencies used fire to clean up the oil, officials said.

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How will south Louisiana spend \$1.2B flood-fighting credit? Levees, diversions, dredging?

BY STEVE HARDY | SHARDY@THEADVOCATE.COM DEC 16, 2018 - 4:59 PM



Advocate staff photo by Richard Alan Hannon Aerial photographs of the Amite River diversion canal near Highway 22 on July 10, 2007.

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Advocate file photo by RICHARD ALAN HANNON

Steve Hardy

Now that the Comite River Diversion Canal has received the \$343 million needed from the federal government to begin construction, all eyes are on a \$1.2 billion pot that will pay for the next generation of south Louisiana flood control.

Several projects are in the works, and officials are laying the groundwork to pitch others. The thought of pumping Bayou Manchac is falling out of favor and the Darlington Reservoir is still a dream, but there are plans like knocking out a ridge under La. 22 in Ascension Parish and dredging at least part of the lower Amite River in Livingston Parish — though it remains to be seen whether dredging larger stretches is in the cards.

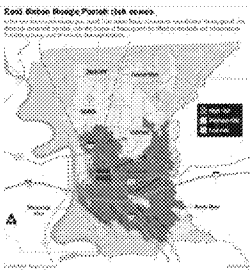


Dredging? Levees? Reservoirs? What's the best way to control Baton Rouge-area rivers?

Story Continued Below

East Baton Rouge leaders feel a bit hamstrung. Federal agencies recommend communities prepare a storm water master plan, which the parish doesn't have. Officials decided to commission a report but the parish needs some of the federal money to pay for it. So far, the Federal Emergency Management Agency hasn't given an answer, city-parish Transportation and Drainage Director Fred Raiford said Friday.

The city-parish has already spent about \$2 million but will need about \$13 million more, he said. Contractors with the firm HNTB have compiled data and put together a framework for the study, but they're working only on the Claycut Bayou watershed while they wait on word about future funding that would allow them to study the rest of East Baton Rouge, said program manager Melissa Kennedy.

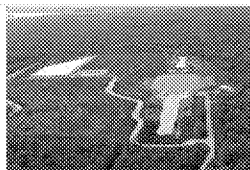


What should be done about flood risk in your neighborhood? Stormwater report offers few answers

East Baton Rouge leaders are celebrating a \$255 million award to clear, dredge and widen five parish waterways: Bayou Fountain, Jones Creek, Beaver Bayou, Ward Creek and Blackwater Bayou.

Authorities are tugging the reins a bit — in the decades since the proposal was first advanced, there's been new riparian development. Some stretches of waterways, especially Jones Creek, were to be lined with concrete to slough water downstream faster, but engineers are investigating whether that's still a good idea, or if it would exacerbate flooding farther down the line.

Raiford said the money must be spent in the next three to five years.



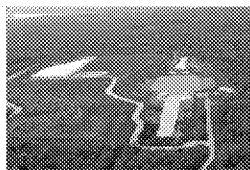
Flood of federal dollars benefits Comite canal, hurricane protection project

Livingston officials have gotten money to clean up the Amite and Blind rivers by treating them as coastal protection projects that are nonetheless expected to help in times of high water.

Using \$8 million from the Deepwater Horizon settlement and offshore oil revenue, the parish will dredge the mouths of both rivers where they enter Lake Maurepas and use the silt to rebuild the banks. Then, vegetation will be planted at both sites to keep them from eroding again, said Livingston Parish emergency preparedness director Mark Harrell.

It will keep water moving more quickly during a flood, he said.

Livingston Parish has also put in a \$10 million grant application to repair the rock weir — an underwater dam — that separates the Amite River from the Amite diversion. Harrell is waiting to hear back. The weir has worn down over the years, and now too much water flows down the diversion, leaving the Amite dry.



Corps gives new information on when Comite Diversion Canal construction will begin

After the 1983 flood, authorities thought up many storm water-control strategies, including the Comite diversion and building levees along the Amite near Denham Springs. Harrell doesn't expect the latter, though.

"I don't see that happening, but again, I'm not an engineer," he said.

He and others interviewed for this story would be very happy with the construction of the so-called Darlington Reservoir, which could hold water from the Amite near the East Feliciana-St. Helena Parish line. Once thought dead, the proposal enjoyed renewed interest following the 2016 flood.



Controversial, long-abandoned Darlington Reservoir gets renewed interest after historic flooding

It's one of several ideas still on the table, said Congressman Garret Graves, R-Baton Rouge. He's also interested in improvements to Bayou Manchac. Perhaps reservoirs along that bayou could hold water during a flood, or a pumping station could redirect water into the Mississippi River ahead of and during a storm.

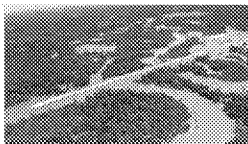
Ascension Parish has considered pumps, but HNTB has determined such a program would provide only limited benefit, according to a presentation given to the parish drainage board.

You just can't build a pump big enough to counteract a flood, said Ascension Parish infrastructure director William Daniel.

"It will not keep those houses from flooding," he said.

HNTB recommended two other projects. The first is a \$186 million plan to knock down much of the natural ridge under La. 22 so floodwater could drain into the McElroy Swamp. The second is a \$61 million plan to dredge Bayou Conway and install a pumping station so it could empty into the Mississippi River.

Further plans are likely to crystallize as the half-dozen ongoing studies conclude. The state Department of Transportation and Development commissioned a study of the basin using aircraft-mounted lasers to accurately measure the region's topography and make a model. That tool should be ready in January or February, department spokesman Rodney Mallett said.



First the flood ... Now what? A look at mitigation projects EBR Leaders are considering

The U.S. Army Corps has received \$3 million to consider flood-control projects around the Amite and its tributaries. Work has just begun, but Corps engineers expect to have a public draft feasibility report finished by December 2019, said spokesman Matt Roe.

Kennedy, the HNTB consultant, said that until more work is completed, it's too early to tell whether she'll recommend East Baton Rouge pursue new detention ponds, enlarged pump stations, improved sewerage or some other strategy. The difficulty, she explained, is making

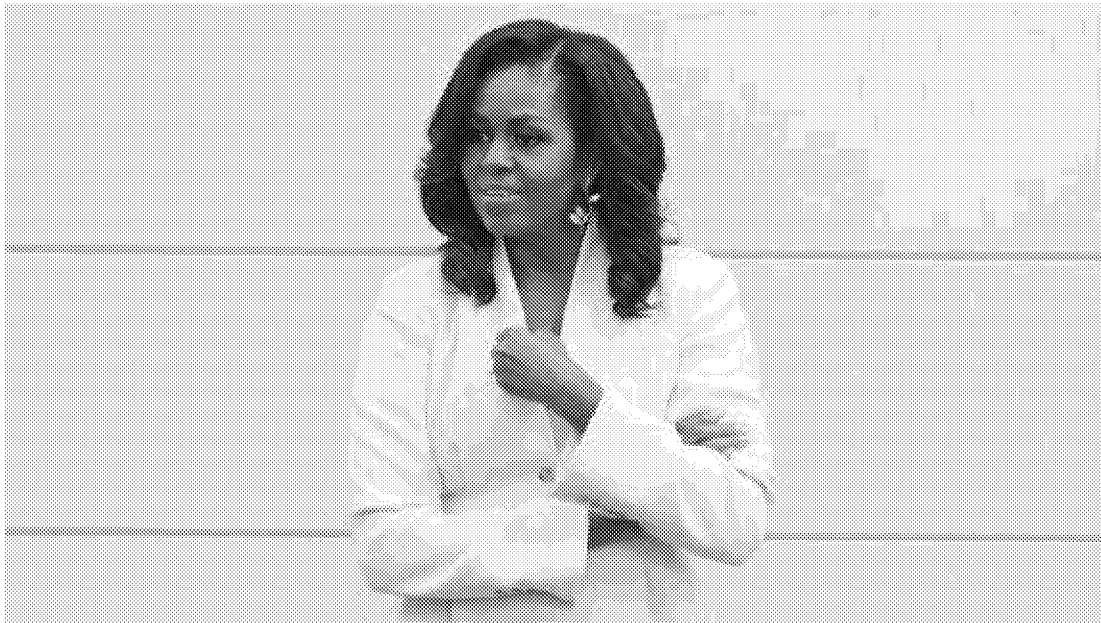
sure an improvement to one area doesn't wind up sinking somebody else up or downstream. Like doctors, engineers must first "do no harm," Kennedy said.

Graves is excited by the possibilities but urged his constituents to have realistic expectations.

"We shouldn't rest on our laurels," the congressman said. At the same time, "we need to get a better understanding of how the water's going to behave."

Asked about future funding, Graves said Louisiana needs to figure out how far it can get with the projects that have already been green-lit and the \$1.2 billion still in the bank. There's no need for a new Ferrari when your Ford still works, he mused.

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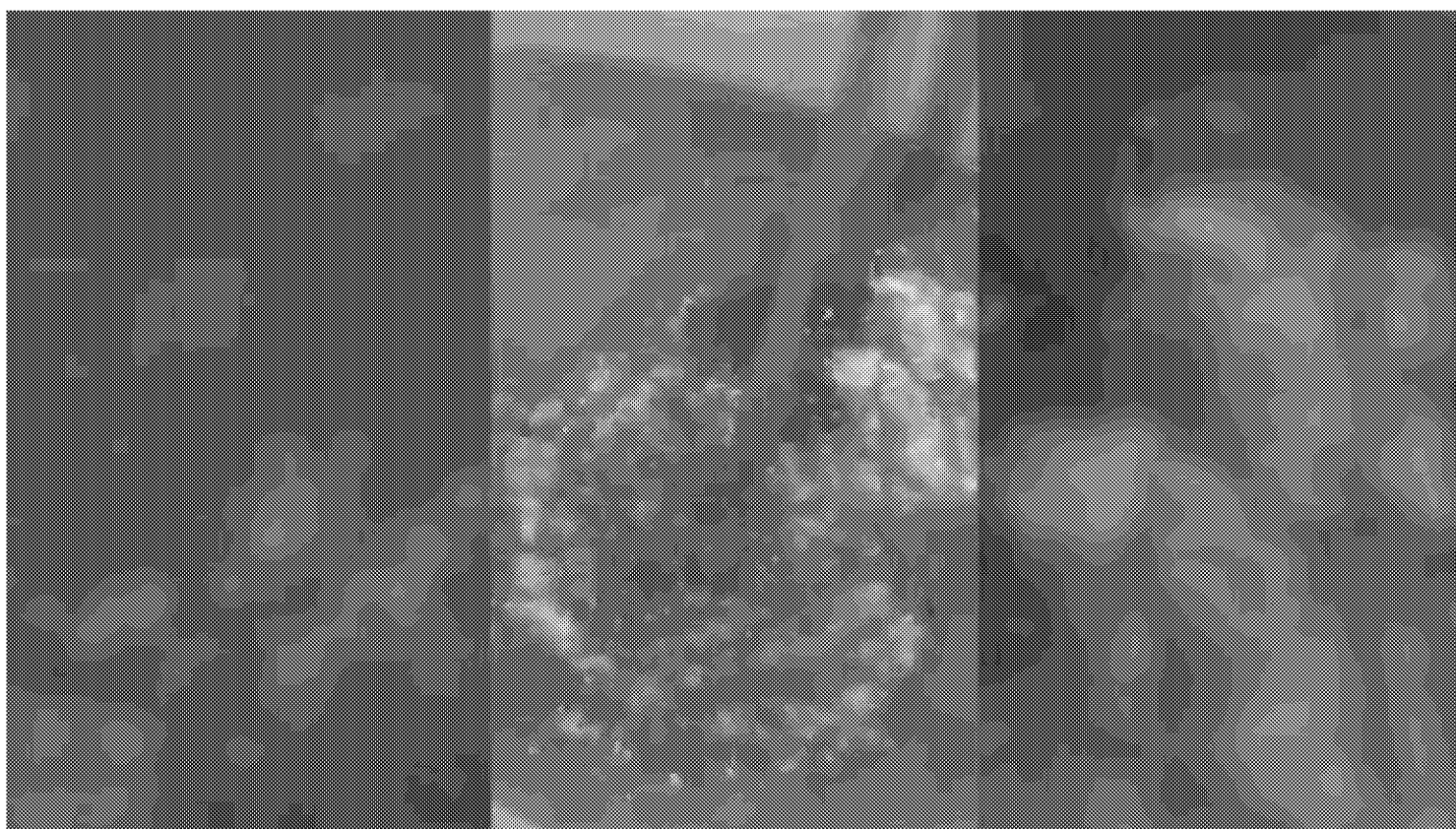
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Manor neighbors concerned with color of tap water

by Melanie Barden



People in the Bell Farms neighborhood in Manor are concerned with the quality of their water (Photo courtesy: Elijah Moore)

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Neighbors in the Bell Farms subdivision in Manor are concerned with their quality of water.

Friday morning, Elijah Moore turned on his faucet to brush his teeth and noticed the water

He quickly grabbed his phone to record what he saw.

“This morning when I turned it on it was almost 15 minutes that I had to run [the water] before I got a decent shade of brown that we could use for the house,” says Moore.

Moore says he moved to Bell Farms four years ago and he’s had the problem ever since.

He and his family have never taken a sip of their tap water, he refuses to do laundry at home, and says showering is a problem.

“You can feel the dirt that’s on your skin—it’s like if your swimming in a lake as a kid,” says Moore.

Moore says he’s not the only one with the issue.

He checks social media every day to find neighbors reporting similar concerns with water quality.

Christina Rose posted a picture of her water this week on Facebook.

She compared the glass of water to a white wall to show its yellow tint.

“I know that any color water other than clear is usually a bad thing,” says Rose.

Rose says she’s also noticed a strange smell when running her water.

"Now that I know that there's an issue with it I'm very uncomfortable with it for sure," says

NEWS (/)

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Both Moore and Rose say they've called the City of Manor to complain, and have been told their lines need to be flushed.

Friday afternoon, someone with Manville Water Supply, a company the city uses for water services, was working outside of the Bell Farms subdivision.

The worker told CBS Austin he routinely flushes the system every month.

However, homeowners claim the flushes only clear the water for a few days at a time.

Elijah Moore says he's asked about a permanent fix from the city, but hasn't gotten any answers.

"Every time I call the city they take my number and they say they're going to call me back and I've never heard from them," says Moore.

The Texas Commission on Environmental Quality sent CBS Austin this statement regarding City of Manor water sources:

The City of Manor is a community PWS in Travis County which serves a population of approximately 8,328 people through 2776 residential connections and utilizes water from Manville WSC, Cross County WSC and from three groundwater wells.

As of December 14, 2018, based on the TCEQ's compliance data, Manor is currently in

compliance with all primary and secondary drinking water standards.

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It appears that the Bell Farms Subdivision utilizes water from Entry Point 005 which was most recently sampled in October 2018.

All chemical samples were below the maximum contaminant levels set by EPA.

CBS Austin reached out to the City of Manor and Manville WSC regarding the brown-colored water and did not hear back before deadline

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DirectExpose

House to introduce carbon capture bill amid questions of tech viability

By Iulia Gheorghiu

Published Dec. 14, 2018

With Democrats taking control of the House again in January, climate issues are expected to gain more prominence on Capitol Hill. But legislators are not waiting for the new year to put down markers of items they plan to pursue in the next session.

Coming on the heels of a new report analyzing the growth of carbon capture and storage (CCS) technology in 2018, including new direct air capture initiatives in Canada and the United States, the House is expected to release its own bipartisan version of a Senate bill that adds incentives for the deployment of CCS infrastructure and projects in the coming week.

This comes despite recent comments from the Environmental Protection Agency (EPA) regarding the lack of economic viability of the technology.

A viable technology?

Released on Tuesday by the Global CCS Institute, the report notes 43 large-scale facilities are expected to be in commercial operation by 2024, spanning the industrial manufacturing, heating, power and transport sectors.

"Carbon capture does work — we see it working at NET Power, Petra Nova, Boundary Dam and elsewhere — but the costs need to come down to make it economically viable on a large scale," Rep. David McKinley, R-W.Va., told Utility Dive in an

email. "That's why we need to boost research funding as well as provide incentives to private industry to advance CCS."

Earlier in December, EPA moved to roll back carbon emission limits on new coal plants set in 2015 by the Obama administration, which would have forced large coal generators to use something like CCS technology to comply.

EPA Administrator Andrew Wheeler said CCS technology was "not adequately demonstrated."

Some analysts, such as Clean Air Task Force Markets and Technology Director John Thompson, disagree with Wheeler's assessment, pointing to developments of the technology and price decreases achieved since 2015, but other CCS proponents say CCS is not sufficiently proven for the generation sector yet.

"We'll have to demonstrate, either in the U.S. or around the world, that the technology performs under commercial conditions for a long period of time to give utilities confidence ... that [CCS] will perform as expected," Justin Ong, a policy associate at the conservative clean energy group ClearPath Foundation, told Utility Dive.

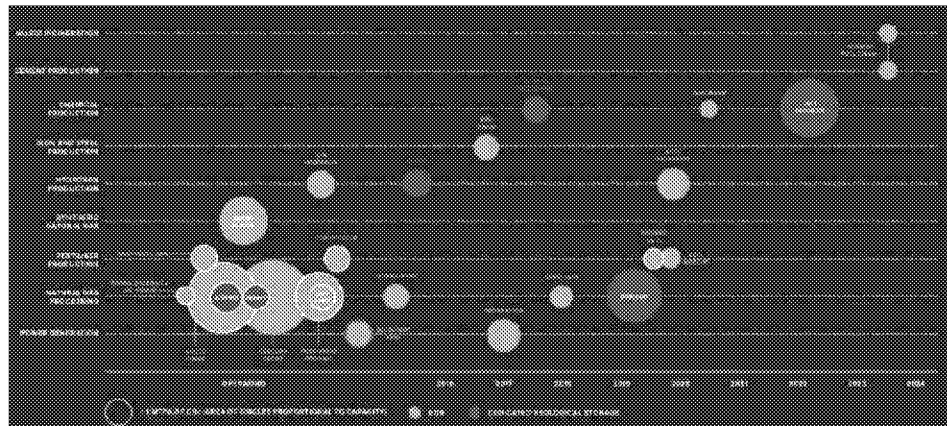
Ong and Thompson both acknowledged the importance of Petra Nova — an NRG Energy coal plant that is using CCS technology to transfer captured carbon dioxide to a nearby oil field in Houston, Texas for use in enhanced oil recovery.

As the first coal generation CCS project in the United States, Petra Nova had a lot of specific conditions that allowed it to succeed and be economically viable, including the right geology, being close to an area where the carbon dioxide could be safely injected into the ground, and for economic gain no less.

"CCS isn't feasible everywhere in the United States," Ong said, referencing coal plants that may not have the right conditions to deploy the technology.

Petra Nova's success strengthens the record of CCS since 2015, "from a commercial development demonstration standpoint," Thompson said. However, Ong said one project is not enough to attract investment by the utility industry.

Power and industrial applications of commercial large-scale CCS facilities with actual and expected operation dates up to 2024



CCS has been used across a variety of sectors around internationally, although the majority is not currently planned in power generation. Credit: [Global CCS Institute](#)

The bill

A group of bipartisan Senators introduced a bill in March, adding incentives for the adoption of CCS after Congress passed an extension of the 45Q tax credit which compensates CCS per ton of carbon dioxide captured and utilized. S.B. 2602, dubbed the USE IT Act, supports the development of carbon dioxide pipelines and CCS facilities across multiple industries.

"We made good progress by boosting the tax credit for deployment of carbon capture and storage projects. I plan to continue that work through legislation like the USE IT Act, to encourage promising negative emission technologies like direct air capture," Sen. Sheldon Whitehouse, D-R.I., said in an email to Utility Dive.

Carbon capture and utilization is one of several policy and technology strategies to address greenhouse gas emissions, which the next Congress may consider. Given the Democrat-led House, the next Congress can re-prioritize these strategies, though carbon capture may not be "top-of-the-list" following the tax credit reform that passed this year, according to Whitehouse.

"Ultimately, we need broad reform that accounts for the massive dumping of carbon pollution into our atmosphere, and an end to the hundreds of billions of dollars in subsidies fossil fuels receive every year in America. For that, I'd like to start with a carbon fee," Whitehouse said.

Deadly Terrorist Threatens the Lone Star State's Domestic Pig Herd

DECEMBER 14, 2018 10:16 AM

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Wild pigs take their toll on the Texas water supply, shutting down watersheds due to E.coli contamination.

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By Jennif
(<http://www.farmjournal.com>)
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er (ASF) hitting

"Wild pigs are agricultural and environmental terrorists number one," says John Tomecek, assistant professor and wildlife specialist with Texas A&M AgriLife Extension Service. "They destroy the environment and carry diseases that can spread to humans and domestic pig herds."

Email

(mailto:jshike@farmjournal.com)

There's no doubt that an outbreak of African swine fever in Texas would be devastating, he says.

"With the densities of wild pigs we have, I expect the virus to travel quickly," Tomecek says, based on conversations with his colleagues overseas who are dealing with ASF on a daily basis.

"Our problems have different origins," he says. "Their wild boars are native. In the U.S., most of our wild pigs today were originally brought in by the Spanish and early settlers in the 1500s who free ranged them. When these wild boars mated with domestic pigs, they created the wild pigs we have today. Some people may refer to them as feral, but feral actually means wild pigs that were once domesticated and the wild pigs in Texas haven't been domesticated for several generations."

The numbers have grown since then for a lot of reasons. Most recently, it's because people brought them here for hunting purposes, Tomecek says.

The wild pig population in Texas ranges between 3 to 5 million pigs. Tomecek says that's a conservative estimate based on a very large and widely distributed wild pig herd that is increasing rapidly throughout the state's diverse regions.

"If a foreign animal disease, such as ASF, were to enter the U.S. (the U.S. does not have ASF at this time), wild or feral pigs could play a big part in its spread to domestic swine," says Brandon Gunn, executive vice president of the Texas Pork Producers Association.

In Texas alone, wild pigs can be found in approximately 90% of the counties in the state. If ASF were to become prevalent in the wild pig population, the disease would be extremely difficult to eradicate. Outside of several large pork production farms in the panhandle, there are hundreds of small farms and show pig operations located across the state. That is where substantial risk lies, Gunn says.



A Threat to Agriculture

The impact of the wild pig herd on Texas agriculture is widespread. From a livestock standpoint, wild pigs are a major predator of sheep and goats. But when it comes to the state's livestock herd, Tomecek worries most about wild pigs

spreading disease.

"We know pigs can vector 21 some odd diseases we are aware of – communicable to all livestock animals," he says. "If I'm a livestock producer, I have to worry about biosecurity all the time. Producers have to vaccinate for diseases they would not normally have to vaccinate for because of this wild pig problem."

Gunn says there is great potential for introduction of these diseases into herds considering the number of small farms all over the state that don't have the resources to house their animals inside well-protected, completely enclosed modern barns.

"Research has shown that up to 70% of the feral hog population would have to be removed each year just to prevent population growth," Gunn says. "As the population continues to grow exponentially, the concerns only increase as well."

Some farmers have quit producing grains and now produce cotton because wild pigs won't eat it, Tomecek says. Wild pigs eat seed corn at night, destroying fields. The damages to small grain operations in Texas is so high that many are having a hard time staying in farming because of it.

"From a food security standpoint, that reduces the total number of food America is producing when that land starts being used for non-food production," he says.

In addition, hay producers fight wild pig damage, too. Tomecek says farmers must think long and hard about what a hay field is truly worth when they have to fight off wild pigs.

"Imagine you are a hay farmer and you cut hay close to the ground, rake it and bale it. If pigs root around, you may not be able to see it, but I can assure you when you drive an implement straight into the ground because you can't see the divets, it can cause thousands of dollars of damage to implements," he says.

Being from Texas, Tomecek always considers what could happen if Texas has a dry year.

"Hay may not be there to feed my livestock if we lose acres of hay production to wild pigs," he says.



An Enemy to the Environment

"We work hard in Texas to manage wildlife – it's big business for landowners," Tomecek says. "Wild pigs are the fly in the ointment and get in the way of the good conservation work we do."

When it comes to the environment, wild pigs take a toll on wildlife, soil, water and plants. The native tree population is declining because of wild pigs damaging trees and destroying saplings.

"They actively predate and kill most of our game and many non-game animals. Many species are becoming endangered because of wild pigs," he says. "We have a lot of moving water in Texas and the pigs cause problems by turning up creek bottoms, taking up vegetation, causing erosion and sedimentation – basically the pigs are going against everything our producers work hard not to let happen to the land."

As well, the damage to water is a major problem. Wild pigs harbor E.coli and can infect watersheds.

"We've had areas in our state where the water has been so contaminated with E.coli from pigs that the EPA came in and designated them as impaired watersheds," Tomecek says. "This means that you can't use the water at all – you can't recreate in it, touch it, drink it, because it's unsafe for humans to be exposed."

A Detriment to Communities

This challenge to provide safe, clean water because of contaminated watersheds is one more reason why wild pig control is so critical in Texas.

In addition to human health risks, wild pigs can have direct impacts on communities and small towns as more wild pigs enter into urban spaces, impacting turf, homeowner's lawns, and even golf courses and sports fields.

"It's very expensive and frustrating to lose money out of our communities because of wild pigs causing damage to property," he says.

Wild Pig Eradication and Disposal

The most common method of wild pig control in Texas is shooting on the ground with a rifle or shooting from a helicopter, Tomecek says. They also use snares or box-style traps to keep wild pigs out of fields or away from livestock.

Another form of wild pig management is running trained dogs. "We use dog packs to run the pigs," he says. "That action is a negative stimulus to a pig – it's not a safe area for pigs when dogs are around. This helps get them out of that area for a while."

New chemical control techniques are in the works and being proposed for EPA registration. Tomecek says he is hopeful they will approve a poison or toxin to assist in wild pig control.

When dealing with wild pig carcasses, he says the best management practice is to bury or burn the pig carcasses. However, most people don't and leave them on the landscape for scavengers to consume.

"If ASF hit, we'd have to educate people on how and why we need to incinerate carcasses safely," he says. "In Texas, we have a lot of good outreach materials about how to incinerate pigs safely. We are part of the endemic zone of anthrax. It occurs natively in part of our state and the proper method of disposal of anthrax carcasses is incineration. We are used to that, we know how to do that. This is just another disease we have to educate folks about."



Challenges Remain

Can Texas control the wild pig population with the resources they have now?

"Absolutely not," Gunn says. "We need help. We need more resources, access to more effective baits, and we need the government to provide more funding and support in the fight against feral hogs."

With a number of constituent groups that are passionate about pig hunting in Texas, Tomecek says wild pigs are a challenge that he doesn't think will go away. One of the biggest misconceptions he deals with is people believing wild pigs are native wildlife in Texas.

"That took me aback at first," he says. "But consider who you are talking to. Many of these people grew up in urban environments and are passionate about being on the land. And that's wonderful, but they don't know what is native or not. Unless we tell them these wild pigs aren't from here, they won't know otherwise."

Texas has one of the unfortunate distinctions of having the worst and oldest wild pig problem in the U.S. In Tomecek's travels throughout the country and around the world, he urges people to find where their wild pig problem fits into Texas' timeline.

"Think about what we did and whether it worked or not and try to avoid the problems we have created for ourselves," he says. "Wild pig outbreaks start small and are pretty limited. This is when you are in the best spot to eradicate the population and get rid of the problem."

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Forrest Gump Producers Reveal How Jenny Actually Died

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EPA Regulatory Environmental Law News Update November 2018

Article By:
Government Regulation

TSCA/FIFRA/TRI

EPA Publishes First Draft TSCA Chemical Risk Evaluation:

On November 15, 2018, the U.S. Environmental Protection Agency (EPA) published a *Federal Register* notice announcing the availability of and seeking public comment on the first draft chemical risk evaluation under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg). 83 Fed. Reg. 57473. The draft risk evaluation for Colour Index (C.I.) Pigment Violet 29 is intended to determine whether C.I. Pigment Violet 29 presents an unreasonable risk to health or the environment under the conditions of use, including an unreasonable risk to a relevant potentially exposed or susceptible subpopulation. According to the notice, EPA is also submitting these same documents to the TSCA Science Advisory Committee on Chemicals (SACC) to peer review the draft risk evaluation. EPA published a separate *Federal Register* notice on November 30, 2018, containing the peer review meeting details. 83 Fed. Reg. 61629. The SACC preparatory virtual pre-meeting will be on **January 8, 2019**. The four-day in-person meeting will be on **January 29 to February 1, 2019**. Comments on the draft risk evaluation are due **January 14, 2019**. EPA will provide all comments submitted on the draft risk evaluation to the TSCA SACC peer review panel, which will have the opportunity to consider the comments during its discussions. More information is available [online](#).

EPA Withdraws Direct Final SNUR:

On November 16, 2018, EPA withdrew 28 significant new use rules (SNUR) previously announced under a direct final rule. 83 Fed. Reg. 57689. EPA received adverse comment from industry and non-governmental organizations (NGO) citing a range of objections to several of the SNURs. EPA was thus required to withdraw the SNURs and must propose them. The direct final rule was issued on September 17, 2018. 83 Fed. Reg. 47004. Also on September 17, 2018, EPA issued proposed SNURs covering the 28 chemical substances. 83 Fed. Reg. 47026. According to the November 16 notice, EPA will address all adverse public comments in a subsequent final rule based on the proposed rule.

U.S. Canada-RCC Stakeholder Forum Includes EPA-PMRA Breakout Session:

On November 19, 2018, EPA announced a meeting of the U.S.-Canada Regulatory Cooperation Council (RCC) Stakeholder Forum that took place on **December 4, 2018**. The RCC brings together senior regulatory officials, industry, and other members of the public from both sides of the U.S.-Canada border to promote economic growth, innovation, competitiveness, and job creation through the elimination of unnecessary regulatory differences between the U.S. and Canada. Canadian and U.S. regulators will provide progress reports on existing regulatory cooperation efforts and solicit public input on new opportunities for regulatory cooperation. During the forum, EPA's Office of Pesticide Programs (OPP) and Canada's Pest Management Regulatory Agency (PMRA) lead a breakout session that included

updates on the successes of the 2016 work plan and cooperation between the two agencies pertaining to pesticide registration. The U.S. and Canadian agencies are working together to:

- Collaborate on a bilateral pesticide re-evaluation for three neonicotinoid pesticides (*i.e.*, imidacloprid, thiamethoxam, and clothianidin) employing a new pollinator risk assessment framework;
- Develop best practices for coordinated work planning for the re-evaluation of registered pesticides;
- Develop new and/or alternative approaches to testing and assessment, including reducing the need for animal testing wherever possible;
- Align pesticide residue trial requirements by prospectively determining the number of residue field trials required for joint registrations; and
- Jointly develop information technology solutions that facilitate the submission of applications to either regulatory authority.

EPA Announces Human Health Toxicity Assessments For GenX Chemicals, PFBS, And Related Compound Potassium Perfluorobutane Sulfonate:

On November 21, 2018, EPA announced a 60-day public comment period associated with the release of two draft toxicity assessments for public comment. 83. Fed. Reg. 58768. The two assessments are:

- Draft Human Health Toxicity Values for Hexafluoropropylene Oxide (HFPO) Dimer Acid and its Ammonium Salt (GenX Chemicals); and
- Draft Human Health Toxicity Values for Perfluorobutane Sulfonic Acid (PFBS) and Related Compound Potassium Perfluorobutane Sulfonate.

EPA developed the draft assessments to provide the health effects information available for GenX Chemicals and PFBS and describe in the assessments how that information was used to derive draft toxicity values. Following the closure of the public comment period, EPA will consider the comments, revise the draft documents, and consider the need for additional peer review, as appropriate, and then publish final toxicity assessments. The toxicity assessments for GenX Chemicals and PFBS are scientific and technical reports that include toxicity values associated with potential noncancer health effects following oral exposure (in this case, oral reference doses RfD)). The toxicity assessments and the values contained within are not risk assessments as they do not include exposure assessments or provide a risk characterization. Comments are due by **January 22, 2019**.

EPA Announces New Acting Deputy AA At OCSPP:

On November 26, 2018, EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) announced that Lek Kadeli joined OCSPP's Immediate Office as Acting Deputy Assistant Administrator (AA) (Management). EPA states that Kadeli has extensive experience managing and supporting a wide range of environmental and human health-related programs. Kadeli has worked at EPA previously; for eight years he was the Principal Deputy AA in EPA's Office of Research of Development (ORD), serving several periods during that time as ORD's Acting AA. Kadeli has also served as Director for ORD's Office of Resource Management and Administration; Chief of ORD's Resources Planning and

Execution Staff, Office of International Activities Senior Budget Officer; and as a budget analyst in the Office of Administration and Resource Management's Office of Comptroller.

Most recently, Kadeli worked at the World Bank Group in Washington, D.C. as the co-program manager of the Pollution Management and Environmental Health Program, Environment and National Resources Global Practice. Kadeli holds a B.A. in Political Science from George Mason University and an M.A. in National Security Studies from Georgetown University.

EPA Seeks Comment On Several TSCA ICRs:

On November 27, 2018, EPA requested comment on several information collection requests (ICR) involving three different TSCA reporting obligations. The first addresses an ICR submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): "PCBs, Consolidated Reporting and Record Keeping Requirements," identified by EPA ICR Number 1446.12 and OMB Control Number 2070-0112. 83 Fed. Reg. 60844. The ICR provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in the notice. The action is a request to renew the approval of an existing ICR. The second involves "Premanufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances" (EPA ICR No. 0574.18, OMB Control No. 2070-0012). 83 Fed. Reg. 60845. The third involves "Health and Safety Data Reporting, Submission of Lists and Copies of Health and Safety Studies," identified by EPA ICR No. 0575.16 and OMB Control No. 2070-0004. 83 Fed. Reg. 60853. Comments on each are due by **December 27, 2018**.

EPA Issues Proposed Rule To Harmonize EPA-Specific Regulations In Revised Common Rule:

On December 6, 2018, EPA announced it was proposing a rule to harmonize the EPA-specific regulations regarding research involving human subjects conducted or sponsored by EPA or submitted to EPA for regulatory purposes with the revised regulations of the Federal Policy for the Protection of Human Subjects (Common Rule) issued on January 19, 2017 (82 Fed. Reg. 7149). 83 Fed. Reg. 62760. Specifically, EPA is proposing to amend Subparts C, D, K, and M of its regulations relating to human research. Subpart K, titled "Basic Ethical Requirements for Third-Party Human Research for Pesticides Involving Intentional Exposure of Non-Pregnant, Non-Nursing Adults," contains the majority of the revisions. Subparts C and D will be revised to update several numerical citations and Subpart M will be revised to correct a typographical error. Comments on the proposed rule are due by **February 4, 2019**. More information is available in our [blog](#).

EPA Seeks Comment On SACC Nominees:

On December 14, 2018, EPA published a *Federal Register* notice requesting public review and comments on the scientific experts nominated to be considered for *ad hoc* participation and possible membership on the TSCA SACC. 83 Fed. Reg. 64341. Nominations that were received in response to a prior notice are being considered for *ad hoc* participation on an as needed basis for the TSCA SACC's peer reviews of EPA's risk evaluations for chemical substances addressed under TSCA. In addition, all nominees are under consideration for TSCA SACC membership to fulfill short-term needs when a vacancy occurs on the chartered Committee. Brief biographical sketches of nominees to be considered for *ad hoc* participation and possible membership on the TSCA SACC are posted on the TSCA SACC website at <http://www.epa.gov/?tsc-peer-review> or may be obtained from the Office of Pollution Prevention and Toxics (OPPT) Docket (EPA-HQ-OPPT-2018-0605) at <http://www.regulations.gov>. Comments are due on **January 14, 2019**.

RCRA/CERCLA/CWA/CAA/SDWA/PHMSA

EPA Revises Superfund Target List And Amends Criteria For Adding Sites:

On November 20, 2018, EPA released a third revision to the *Administrator's Emphasis List of Superfund Sites Targeted for Immediate, Intense Action*. EPA removed the West Lake Landfill site in Bridgeton, MO, from the list and added the Universal Oil Products, East Rutherford, NJ; Allied Paper, Kalamazoo, MI; and Madison County Anschutz Mine, Fredericktown, MO, sites to the list. With this update, there are 16 Superfund sites on the list. EPA also revised the criteria for adding sites to the list. EPA will now consider adding sites based on one or more of the following criteria:

- Sites where the Administrator's attention may help to enhance human health and environmental protection, promote more timely resolution of issues, advance more effective cleanup, or promote redevelopment opportunities;
- Sites in diverse geographical areas and in various environmental settings;
- Sites that are addressing different contaminants;
- Both Fund and potentially responsible party lead sites; and
- Sites that are representative of other sites, which can provide lessons learned and best practices for similar sites.

DOT Issues Immediately Effective Rule Setting Minimum And Maximum Civil Penalties:

On November 27, 2018, the Department of Transportation (DOT) issued an immediately effective final rule adjusting minimum and maximum civil penalties for the agencies under its authority. 83 Fed. Reg. 60732. The rule applies to the Federal Aviation Administration (FAA), the Pipeline and Hazardous Materials Administration (PHMSA), the Federal Railroad Administration (FRA), and other agencies. The rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA). The FCPIAA and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act) require federal agencies to adjust minimum and maximum civil penalty amounts for inflation to preserve their deterrent impact. The 2015 Act amended the formula and frequency of inflation adjustments. It required an initial catch-up adjustment in the form of an interim final rule, followed by annual adjustments of civil penalty amounts using a statutorily mandated formula. Section 4(b)(2) of the 2015 Act specifically directs that the annual adjustment be accomplished through final rule without notice and comment. The rule generally raises penalties by slightly over one percent.

PHMSA Proposes Revisions To HMRs To Align With International Standards:

On November 27, 2018, in a Notice of Proposed Rulemaking (NPRM), PHMSA proposed dozens of revisions to the hazardous materials regulations (HMR) aligning them with international HMRs. 83 Fed. Reg. 60970. PHMSA is proposing changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. PHMSA states that these revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the United Nations Recommendations on the Transport of Dangerous Goods -- Model Regulations (UN Model Regulations). Additionally, PHMSA proposes several amendments to the

HMR that would allow for increased alignment with Transport Canada, Transportation of Dangerous Goods (Transport Canada TDG). Among other changes, PHMSA is proposing the following revisions to the HMRS:

- ***Incorporation by Reference:*** PHMSA proposes to incorporate by reference the newest versions of various international hazardous materials standards, including: the 2019–2020 Edition of the ICAO Technical Instructions; Amendment 39-18 to the IMDG Code; the 20th Revised Edition of the UN Model Regulations; Amendment 1 to the 6th Revised Edition of the UN Manual of Tests and Criteria; and the 7th Revised Edition of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). Additionally, PHMSA proposes to update its incorporation by reference of the Transport Canada TDG Regulations to include: SOR/2016-95 published June 1, 2016; SOR/2017-137 published July 12, 2017; and SOR/2017-253 published December 13, 2017. Finally, in this NPRM, PHMSA proposes the adoption of updated International Organization for Standardization (ISO) standards.
- ***Hazardous Materials Table:*** PHMSA proposes amendments to the Hazardous Materials Table (49 C.F.R. § 172.101) consistent with recent changes in the Dangerous Goods List of the 20th Revised Edition of the UN Model Regulations, the IMDG Code, and the ICAO Technical Instructions. Specifically, PHMSA is proposing to add, revise, or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and passenger and cargo aircraft maximum quantity limits.
- ***Articles Containing Dangerous Goods:*** PHMSA proposes to add a classification system for articles containing hazardous materials that do not already have a proper shipping name. This proposal would address situations in which hazardous materials or hazardous materials residues are present in articles, and authorize a safe method to transport articles that may be too large to fit into typical packages.
- ***Lithium Battery Test Summary:*** PHMSA proposes the inclusion of a lithium battery test summary requirement. The HMRS require lithium battery manufacturers to subject their batteries to appropriate UN design tests to ensure they are classified correctly for transport, and develop records of successful test completion. The proposed test summary would include a standardized set of elements that provide traceability and accountability, thereby ensuring that lithium cell and battery designs offered for transport meet the appropriate UN tests.
- ***Baggage Equipped with Lithium Batteries:*** PHMSA proposes to amend the aircraft passenger provisions for carriage of baggage equipped with lithium batteries intended to power features such as location tracking, battery charging, digital weighing, or motors (sometimes referred to as “smart luggage”). Specifically, baggage equipped with a lithium battery or batteries would be required to be carried in the cabin of the aircraft unless the battery or batteries are removed.
- ***Segregation of Lithium Batteries from Specific Hazardous Materials:*** PHMSA proposes requirements to segregate lithium cells and batteries from certain other hazardous materials, notably flammable liquids, when offered for transport or transported on aircraft. PHMSA is taking this action to promote consistency with the ICAO Technical Instructions and a recommendation (A16-001) from the National Transportation Safety Board (NTSB) stemming from the investigation of the July 28, 2011, in-flight fire and crash of Asiana Airlines Flight 991 incident that resulted in the loss of the aircraft and crew. The investigation report cited as a contributing factor the flammable materials and lithium ion batteries that were loaded together either in the same or adjacent pallets.
- ***Alternative Criteria for Classification of Corrosive Materials:*** PHMSA proposes to include non-testing alternatives for classifying corrosive mixtures that use existing data on their chemical properties. Currently the HMRS require offerors to classify Class 8 corrosive material and assign a packing group based on test data. The HMRS authorize a skin corrosion test and various *in vitro* test methods that do not involve animal testing. Data obtained from testing, however, is currently the only data acceptable for classification and assigning a packing

group. These alternatives would afford offerors the ability to make a classification and packing group assignment without the need to conduct physical tests.

- ***Provisions for Polymerizing Substances:*** PHMSA is proposing to extend the sunset dates for provisions concerning the transportation of polymerizing substances from January 2, 2019, to **January 2, 2021**. This additional time will allow PHMSA to finalize research and analyze comments and data concerning the issue submitted to the docket for this NPRM. This information will allow PHMSA to have a more comprehensive understanding of polymerizing substances and further consider the most appropriate transport provisions for these materials.

Comments are due by **January 28, 2019**.

EPA Deletes Compound From List Of VOCs Regulated Under The Clean Air Act:

On November 28, 2018, EPA issued a final rule revising the regulatory definition of volatile organic compounds (VOC) under the Clean Air Act (CAA). 83 Fed. Reg. 61127. EPA deleted cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z; Chemical Abstracts Service (CAS) Number 692-49-9) from the regulatory list of VOCs after determining that it makes a negligible contribution to tropospheric ozone formation. The products and industries most affected by this revision include polystyrene foam, urethane foam, air conditioning heating equipment, commercial industrial refrigeration equipment manufacturing, motor vehicle parts manufacturing, ship building and repair, and boat building. EPA deleted the compound in response to a 2014 petition from DuPont Chemicals & Fluoroproducts (DuPont). DuPont's petition sufficiently demonstrated the negligible ozone formation potential of the compound. In addition to CAA regulations, this final rule will impact the regulation of this compound across other regulatory programs, including TSCA and the Emergency Planning and Community Right-to-Know Act (EPCRA). The rule will be effective on **January 28, 2019**.

EPA Publishes RCRA Airbag Exemption Rule:

EPA on November 30, 2018, published its final rule in the *Federal Register* promulgating a conditional exemption for recalled airbag inflators. 83 Fed. Reg. 61552. The rule was effective on November 30, 2018, but EPA is accepting comment on it until **January 29, 2019**. We summarized the rule in our November 2018 regulatory update, which is available [online](#).

EPA Announces RMP Revisions Are In Effect:

On December 3, 2018, EPA issued a final rule stating that the amendments to the Risk Management Program (RMP) under the CAA that EPA promulgated on January 13, 2017 (82 Fed. Reg. 4594) are in effect as of December 3, 2018. 83 Fed. Reg. 62268. EPA delayed the rule's effective date three times: on January 26, 2017 (82 Fed. Reg. 8499), March 16, 2017 (82 Fed. Reg. 13969), and June 14, 2017 (82 Fed. Reg. 27133). On August 17, 2018, the U.S. Court of Appeals for the District of Columbia Circuit vacated the June 14, 2017, rule that had delayed the effective date of the RMP amendments rule until February 19, 2019. On September 21, 2018, the Court issued its mandate which makes the RMP amendments now effective. The amendments are intended to modernize EPA's RMP regulations as required under [Executive Order \(EO\) 13650](#), which directs the federal government to carry out certain tasks intended to prevent chemical incidents, such as the explosion in West, Texas, on April 17, 2013. Specifically, the amendments are intended to address and improve accident prevention program elements; enhance the emergency preparedness requirements; and ensure Local Emergency Planning Committees, local emergency response officials, and the public can access information in a user-friendly format to help them understand the risks at RMP facilities and better prepare for emergencies.

EPA Proposes To Revise NSPS For Fossil Fuel-Fired Power Plants:

EPA announced its proposal to revise the New Source Performance Standards (NSPS) under the CAA for greenhouse gas emissions from new, modified, and reconstructed fossil fuel-fired power plants. EPA is proposing under CAA Section 111(b) to revise its determination of the best system of emission reduction (BSER) for these plants. This determination would replace EPA's 2015 determination that partial carbon capture and storage (CCS) technology was the BSER for new coal units. Specifically, EPA proposes to determine that the BSER for newly constructed coal-fired units is the most efficient demonstrated steam cycle in combination with best operating practices. EPA blamed high costs and limited geographic availability of CCS for requiring revisions to the NSPS. The proposal includes four actions based on a revised BSER:

- Revising the standards for newly constructed steam units as separate standards for large and small units. For large units, the proposed emission rate would be 1,900 pounds of carbon dioxide (CO₂) per megawatt-hour on a gross output basis (lb CO₂/MWh-gross). For small units, the proposed emission rate would be 2,000 lb CO₂/MWh-gross.
- Creating separate standards of performance for newly constructed coal refuse-fired units. Regardless of size, the proposed emission rate would be 2,200 lb CO₂/MWh-gross.
- Amending the standards for large modifications of steam generating units to be consistent with the standards for large and small newly constructed units.
- Changing the standards of performance for reconstructed fossil fuel-fired steam units to be consistent with the emission rates for newly constructed units.

In addition to these proposed revisions, EPA seeks comment on whether and how to address concerns raised by stakeholders regarding the increased use of simple cycle aeroderivative turbines. EPA is also taking comment on the regulatory threshold under Section 111(b) that a source category “causes, or contributes significantly to,” air pollution. EPA asks for the public’s views on the proper interpretation of this phrase, EPA’s past approach to this requirement, and whether this requirement should apply differently in the context of greenhouse gases than for traditional pollutants. Comments will be due after the rule is published in the *Federal Register*.

EPA Releases WOTUS Replacement Rule Proposal:

On December 11, 2018, EPA’s Acting Administrator Andrew Wheeler announced EPA’s and the U.S. Army Corps of Engineers’ (Corps) release of their highly anticipated proposed replacement definition of “Waters of the U.S.” (WOTUS) that defines the scope of waters and wetlands that fall under federal Clean Water Act (CWA) jurisdiction. The 2018 WOTUS rule proposal is currently available in pre-publication format on EPA’s website here along with [several fact sheets](#) and other supporting materials. At this time, it is unclear as to what date EPA and the Corps will publish the proposal in the *Federal Register* and officially begin to accept public comment. More information is available in our [memorandum](#).

EPA Proposes Revisions To Stormwater NPDES Permits For Construction Activities:

EPA on December 12, 2018, proposed revisions to the National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges associated with construction activities. 83 Fed. Reg. 63858. EPA proposes to remove from the definition of “operator” the examples of the type of party that may be considered an operator. The

revisions clarify that if a party wishes to obtain coverage under the 2017 Construction General Permit (CGP) for its stormwater discharges from construction activities, it is the operator who is responsible for submitting to EPA a Notice of Intent (NOI) for coverage under the permit. EPA also proposes to revise two erosion and sediment control requirements and one pollution prevention requirement in the 2017 CGP to clarify their intent. EPA further proposes to modify the 2017 CGP to clarify an individual operator's legal responsibility for permit compliance in situations where there are multiple operators who divide permit responsibilities. Specifically, EPA proposes to remove references to joint and several liability from the current permit since they are, in EPA's view, an inaccurate explanation of what the permit compliance duties are for multiple operators who share implementation responsibilities under the permit. Comments must be received by **January 28, 2019**.

EPA Streamlines Hazardous Waste Regulations For Pharmaceuticals:

EPA Acting Administrator Andrew Wheeler on December 11, 2018, signed a final Resource Conservation and Recovery Act (RCRA) rule streamlining standards for managing hazardous waste pharmaceuticals. The final rule will be published shortly in the *Federal Register*. Certain pharmaceuticals are regulated as hazardous waste under RCRA when discarded. This final rule removes these pharmaceuticals from full RCRA regulation and creates a new Part 266 Subpart P for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors. Healthcare facilities (for both humans and animals) and reverse distributors will manage their hazardous waste pharmaceuticals under this new set of sector-specific standards in lieu of RCRA generator regulations in Part 262. The new rule also prohibits the disposal of hazardous waste pharmaceuticals down the drain -- "sewerage" -- and eliminates the dual regulation of RCRA hazardous waste pharmaceuticals that are also Drug Enforcement Administration (DEA) controlled substances. The rule maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events. The new Subpart also codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. Specifically, the rule reaffirms that non-prescription pharmaceuticals and other unsold retail items that have a reasonable expectation of being used/reused or legitimately reclaimed are not solid or hazardous waste. EPA also is amending the P075 acute hazardous waste listing of nicotine and salts to exclude certain U.S. Food and Drug Administration (FDA) approved over-the-counter (OTC) nicotine replacement therapies (NRT). The final rule also establishes a policy on the regulatory status of unsold retail items that are not pharmaceuticals and are managed via reverse logistics. The revisions promulgated by EPA will only be effective in those states that do not have final authorization of their base RCRA programs, *i.e.*, Alaska and Iowa. EPA is, however, promulgating the prohibition of "sewerage" hazardous waste pharmaceuticals under the authority of the Hazardous and Solid Waste Amendments (HSWA) in Section 3018 of RCRA. That prohibition thus will become effective in all states upon the effective date of the rule. The revisions will become effective in those states with RCRA authorized programs only when the states adopt the revisions, although they are not required to do so. The rule will become effective six months after it is published in the *Federal Register*. A pre-publication copy of the rule is available [here](#).

FDA

FDA Advances Development Of New Consumer Survey Assessing Allergens In Cosmetics:

On November 8, 2018, FDA announced an opportunity for public comment on a pilot study entitled "Web-based Pilot Survey to Assess Allergy to Cosmetics in the United States." 83 Fed. Reg. 55896. The web-based consumer survey will focus on allergens in cosmetics, including fragrances, hair products, makeup, nail products, and skin care products. The people invited to participate in the survey will be selected to be representative of U.S. adults. FDA states that the survey will "help the agency better understand consumer perceptions and awareness regarding allergens in cosmetics as well as consumer decisions about whether to purchase specific products or to avoid certain ingredients, when to contact a health care professional, and when to report an adverse event." To conduct the survey, FDA must receive approval